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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058543
Party	Plaintiff Edge Games Inc
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Attachments	PetitionersReplyToRegistrantsRequestForSanctions.pdf(3610712 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EDGE GAMES, INC., <div style="text-align: right; padding-right: 20px;">Petitioner</div>	}	Cancellation No 92058543
v.	}	Registration No. 4394393
RAZER (ASIA-PACIFIC) PTE LTD <div style="text-align: right; padding-right: 20px;">Registrant.</div>	}	Mark “EDGE”

**PETITIONER’S REPLY BRIEF IN OPPOSITION TO
REGISTRANT’S REQUEST FOR SANCTIONS**

It is hard to imagine a more remarkable example of “**pot calling the kettle black**” than Registrant’s Reply Brief and Request for Sanctions. Registrant’s Reply and Request would also seem to be a good example of “**the best defense is a good offense.**”

Registrant is fully aware that it cannot prevail in this Petition to Cancel if the case is heard *fairly* on its merits, if Petitioner is able to gain fully responsive discovery from Registrant, and if Petitioner is able to present all of its evidence. For this reason, Registrant has clearly started an *ad hominem* attack on Petitioner and its CEO Rev Dr Tim Langdell in the hope that the Board might be biased toward Registrant. Coupled with this attack, Registrant is clearly doing everything in its power to give the surface illusion that it is complying with Discovery, whereas in fact it is clear that Applicant is doing everything it can to frustrate Petitioner’s attempts to gain discovery and to have Registrant fully respond to Discovery Requests. Registrant is also doing all it can to impede Petitioner in its pursuit of this entirely valid petition, presumably in the hope that if it can convince the Board to make the proceedings sufficiently difficult for Petitioner that Petitioner will “give up and go away.” Petitioner, however, will not bow to such contemptible below the belt attacks, *ad hominem* and otherwise.

An indication of just how egregious Registrant’s behavior is, in its partial attempt to comply with the requirement for **an Initial Discovery Conference, Registrant proposed that the parties dispense with Initial Disclosures. Then, here, Registrant has the audacity**

to suggest that Petitioner should be denied the right to serve Discovery Requests because (Registrant falsely alleges) Petitioner didn't serve Initial Disclosures! What makes this behavior by Registrant even more reprehensible is that in fact Petitioner *did* serve its Initial Disclosures (it was *Registrant* who failed to serve any, having proposed none should be required it then proceeded to serve none despite Petitioner's protests that both parties should serve same).

NO TRUTH TO ALLEGATION THAT PETITIONER FILED FRIVOLOUS OR HARASSING MOTIONS

As can be seen in **Exhibit A** hereto, Petitioner filed an Amended Motion to Compel Discovery that clarifies that neither motion so far filed in these proceedings has been either frivolous or designed to harass. On the contrary, both motions were well intended and filed at the advice of the USPTO have Petitioner discussed its options with a representative of the TTAB.

First, it is a documented fact that **Registrant refused to fully comply with its Discovery Conference Obligations**. As can be seen from the documents Registrant itself exhibited to its filing (in its Exhibits 1-3), Registrant was asked to have a telephonic discovery conference to meet the requirements of CFR 37 2.120(a)(2). Nothing in the CFR states that exchanging emails or written letters is a satisfactory substitute for an actual conference (which is implied to be a live communication in person or via telephone – an event that 2.210(a)(2) describes as being something “conference” that a Board representative could participate in, which is clearly not just a written exchange of documents). While perhaps the parties may be able to contract out of an actual conference (Petitioner is not clear whether this is permissible), here Petitioner specifically required an actual ‘conference’ and objected to Registrant attempting to dispose of its obligations by merely sending written letters. As can be seen from the Exhibits to Registrant's filing, Registrant refused to participate in a discovery conference. Ironically (given the grounds for Registrant's request for sanctions), one key reasons Petitioner asked for an actual telephonic conference was to discuss Registrant's proposal to dispose of the Initial Discovery requirements.

Second, when after several months of being unable to get Registrant to complete its Discovery Conference Obligations, Petitioner telephoned the TTAB and was advised by the Board's representative to consider filing a Motion for Summary Judgment on the grounds that

Registrant had failed and refused to fully meet its Discovery Obligations. Accordingly, believing it was following Board advice, Petitioner filed the first Motion (for Summary Judgment) on August 15, 2014.

Then, later on the same day (August 15, 2014), **after filing the first motion, but before serving it on Registrant**, Petitioner was able to reach a member of the Board telephonically and in messages exchanged the Board representative clarified that Petitioner's motion for summary judgment was misplaced, and instead pointed Petitioner to TMEP 523, suggesting that instead Petitioner should file a Motion to Compel Discovery, rather than a Motion for Summary Judgment. Consequently, while Petitioner filed the first motion, upon the revised advice of the Board, Petitioner did not serve that Motion on Registrant. In hindsight, Petitioner now realizes that it should perhaps have filed at least a letter on the system to clarify that the first motion was to be ignored and that it was not actually served.

The Amended Motion to Compel Discovery (in Exhibit A hereto) makes clear that the Motion to Compel Discovery filed September 9, 2014 was intended to replace the mistakenly filed prior motion, and also further apologizes for mistakenly filing (but not serving) that first motion.

Third, On September 9, 2014, while a few days short of the deadline for Registrant to respond to the Discovery Requests, Petitioner had every reason to believe that Registrant had refused to comply with the Requests and had stated clearly that it was not going to respond to them. In hindsight, as covered in the Amended Motion to Compel, perhaps Petitioner should have waited a few extra days to see if Registrant carried through its threat not to serve any Replies, but it would be unfair to describe the Motion to Compel as anything other than sincere and well intentioned, and (at the time) founded, given that Registrant did clearly state that it did not accept that any deadline had yet started for it to Reply (see **Exhibit B** for Registrant's letter clearly implying it did not intend to file any timely Discovery Request responses). While the original Motion to Compel was thus filed with good intentions and in good faith, relying on Registrant's statement that it did not intend to respond to Discovery Requests (i.e. that it did not accept that any deadline had started), all of Registrant's issues with the original Motion to Compel are fully dealt with in the newly filed Amended Motion to Compel.

Last, as can be seen from reviewing the Amended Motion to Compel Discovery, while in a very nominal sense Registrant served documents on Petitioner that purported to reply to the Discovery Requests, in fact the replies were not responsive at all. They were as close to not responding at all (i.e. not serving anything) as Registrant could get without actually failing to reply. Our arguments are covered in the Amended Motion, and their non-responsive Replies are Exhibited thereto (attached in Exhibit A), and show that in a real sense Petitioner's Motion to Compel, while filed slightly prematurely, was in fact entirely justified given the clear intent by Registrant to frustrate Petitioner at every turn in this Discovery phase.

REGISTRANT PROPOSED THE PARTIES DISPENSE WITH INITIAL DISCLOSURE REQUIREMENTS, THEN NOW WANTS TO HAVE PETITIONER BARRED FROM DISCOVERY BECAUSE OF AN ALLEGED FAILURE TO SERVE INITIAL DISCLOSURES

In its filing at Exhibit 2, Petitioner exhibits its letter of March 24, 2014 in which it sought to partially comply with discovery conference obligations under 37 CFR Section 2.120(a)(2). A further copy of that letter is attached as **Exhibit C** hereto. As can be seen, Registrant proposed that the parties "dispense with the initial disclosure requirements" (see 3(a) of Registrant's letter). In its response dated March 28, 2014, Petitioner did not reject Registrant's proposal to dispense with Initial Disclosures, but did state that it could see no reasonable argument for doing so, and stated that it felt there was significant advantage to doing so (that letter was exhibited by Registrant in its Exhibit 3, and a further copy is attached hereto as **Exhibit D**). And we note that in this letter, Petitioner also made clear that it wanted a telephonic conference with Registrant, and did not accept the exchange of letters as satisfying the requirements for discovery conference.

As can be seen in the only further letter Registrant deigned to write on the topic of discovery, exhibited by Registrant as Exhibit 5 (copy attached hereto as **Exhibit E**), in its letter of April 3, 2014 Registrant refuses to respond on the key issues of Petitioner requiring telephonic conference to meet the requirements under CPR 37, and refuses to respond on the topic of Initial Disclosures, leaving this matter as stated by Registrant to be that "**Initial Disclosures will be dispensed with.**"

Then, here in its Reply Brief and Motion for Sanctions, Registrant has the audacity to suggest that Petitioner is barred from filing any Motion for Summary Judgment or a Motion to Compel Discovery on the grounds that (Registrant alleges) Petitioner failed to serve its Initial Disclosures. Worse, having stated at the Discovery Conference stage that Initial Disclosures would be dispensed with, now Registrant is trying to twist the facts to not only say that they were required, but that should Petitioner attempt to prove it did serve them then Registrant will simply disingenuously, and falsely, claim to have never received them and that any such “proof” will be alleged by Registrant to be concocted.

The fact, then, is that Registrant waived the parties obligations to serve Initial Disclosures. It was, though, ironically, Petitioner that did serve its Initial Disclosures (see **Exhibit F** hereto), and it was Registrant that failed to serve any Initial Disclosures. Any fair reading of the exchanges between the parties during the Discovery Conference stage shows that whereas Registrant freed Petitioner from any requirement to serve Initial Disclosures, Petitioner did not free Registrant from that obligation. Thus, while Registrant cannot now say that Petitioner is required to file Initial Disclosures (even though, in fact, it did), Petitioner on the other hand still has the right to require Registrant to serve Initial Disclosures if Petitioner wishes to do so.

In summary, while Registrant did respond to Petitioner’s March 28 letter with its April 3 letter, it is completely disingenuous of Registrant to suggest that their April 3 letter dealt with the dispute between the parties over properly meeting the obligations of the Discovery Conference phase. Clearly, Registrant failed/refused to respond to Petitioner’s reasonable request for a telephonic conference (required by the Rule), and also refused/failed to respond to Petitioner’s points regarding Initial Disclosures – which is ironic given Registrant now wishes to rely on what they proposed be disposed of, and which they refused/failed to respond to discussion of.

Registrant thus did fail to properly and fully meet its obligations for discovery conference, but one obligation it did meet was to state that the parties dispense of the requirements of Initial Disclosures.

REGISTRANT’S UNJUSTIFIED/UNFOUNDED, LARGELY *AD HOMINEM*, BASIS FOR PROPOSING SANCTIONS AGAINST PETITIONER

The thrust of Registrant’s argument for Petitioner being sanctioned in these proceedings appears to be not based on what has taken place in these proceedings, but rather what Registrant alleges has taken place in other totally unrelated proceedings in the U.S. and the U.K.. As such, being irrelevant to this proceeding, and in any event presented for purely malicious purposes, Registrant’s arguments for sanctions should be given no weight or consideration and thus the request for sanctions should be denied.

RESPONSES TO REGISTRANT’S SPECIFIC EXAMPLES SUPPORTING IT’S REQUEST FOR SANCTIONS

The examples that Registrant gives are out of context or are mostly deliberately misleading in that they present negative information that was later voided or reversed. To fully respond to everything that Registrant states in its filing, and to all the exhibits to Registrant’s filing, would take numerous pages of clarification and call for a very sizable number of attachments. Since none of these other matters should be being re-litigated here, and since it would not seem a good use of Board resources to challenge and respond to everything Registrant alleges (or implies) in detail, Petitioner will instead give a brief rebuttal which it trusts will suffice to show the Board that there is no reasonable basis for any sanctions against Petitioner. Not least since allegations as to Petitioner’s behavior in other matters, indeed in other countries, should not be taken as an indicator of Petitioner’s behavior in this matter.

PETITIONER DOES NOT HAVE A HISTORY OF FILING “FRIVOLOUS, HARASSING OR ABUSIVE” MOTIONS.

Petitioner and its predecessors in rights have taken part in some forty or so actions before the PTO/TTAB, and there is no truth at all to the outrageous allegation that Petitioner has a “history” of filing frivolous, harassing or abusive motions. Registrant cites a couple of instances that it deliberately presents out of context, but even these couple of instances out of the tens of PTO actions do not in any sense show a any kind of pattern of behavior regarding motions that Registrant would like the Board to believe. As can be seen in **Exhibit G** hereto, contrary to the false picture Registrant wishes to project, Petitioner has had a number of cases before the Board that have generally been decided in Petitioner’s favor (which itself is an

indicator that Petitioner's actions have not been frivolous or harassing), and show no sign of excessive filing of motions.

Registrant deliberately seeks to mislead the Board by reference to Petitioner's filings a deliberately selected narrow sample of other cases. In particular, **Registrant outrageously seeks to paint the filings done in a matter before the TTAB in which Petitioner was one of two defendants, as “Petitioner’s *modus operandi*”** of submitting seemingly an endless succession of frivolous and harassing filings and motions (Exhibit 7 to Registrant's filing). The truth is that the proceeding in question did involve a larger than usual number of filings by all three parties to the action – two defendants and one plaintiff. It was a complex case and required numerous filings, and there is no evidence that Petitioner was somehow blameworthy of filings that were “frivolous” or “harassing.” Certainly, there is nothing here that shows Petitioner has a history of the kind of frivolous motion filing that Registrant maliciously wants the Board to perceive (particularly when considered with the true picture reflected in our Exhibit G).

It is true that in one Board response toward the end of that extremely lengthy and complex proceeding (that ran several years from 2009-2013), the Board did admonish Petitioner for filing a series of documents all around the same time. Petitioner apologized at the time for the series of filings, and did later successfully argue that they were in fact all valid and well-founded, well intentioned, filings. But even in that case the Board was not suggesting that the overall history of that case was one of Petitioner making serial filings (that were to be criticized), rather it was only a brief period toward the end of proceedings that the Board was critical of. Since Edge's argumentation and legal cites were later found to be entirely valid, we respectfully believe that the comment quoted by Registrant on its page 6 of its filing was unwarranted. That said, even so, it does not support the alleged “pattern” of behavior the Registrant wants the Board to believe it does, rather it was a one-off event in a very complex and unusual case.

NORTHERN DISTRICT OF CALIFORNIA FEDERAL CASE; PETITIONER VS. ELECTRONIC ARTS

This is perhaps Registrant's most egregious attempt to deliberately mislead the Board into looking up Petitioner or its CEO (Rev Dr Langdell) in a negative light.

First, and most important, **in the Final Order by Judge Alsup, Edge Games and Dr Langdell were found not to be guilty of any of the suspected acts that Judge Alsup had previously express an opinion on.** Petitioner and Rev Langdell were found not to be guilty of having committed fraud on the USPTO, not to be guilty of having acted in any way unethically or without integrity, not to have abandoned any of its “EDGE” trademarks in U.S. commerce. In short, not to be guilty of any of the acts behavior that Judge Alsup had previously expressed an opinion on in the cite that Registrant maliciously quotes from.

It is important to note that in that case, initially Judge Alsup expressed a number of (admittedly seemingly damning) opinions about Petitioner and Rev Langdell, however, those were only opinions (the Judge made no findings on those issues in that ruling), and they were opinions offered by Judge Alsup after he had only reviewed the allegations made by Electronic Arts and before he had considered any response from Petitioner.

When the Judge was able to hear the true facts – which included that Electronic Arts had committed fraud in manufacturing evidence they had present in court, and that their witnesses, such as Marvel Comics, had committed perjury in their Witness Statements, all of which lead Judge Alsup to be mislead by Electronic Arts – the Final Order was issued in which Petitioner and Rev Langdell were found not to be guilty of any of the things Registrant now maliciously lists on pages 5/6 of its filing (and exhibits their Exhibit 9).

To be clear, the entirety of Registrant’s Exhibit 9 insofar as it contains comment and opinion by Judge Alsup, was rendered essentially void and moot by the Final Judgment in that case which specifically found that none of the issues were found to be true.

Most important, while as a commercial decision Petitioner agreed to voluntarily cancel certain of its EDGE marks as a result of this Federal Case, Petitioner did so on the strict understanding and condition that Petitioner was not found to have committed fraud on the PTO in obtaining or renewing any of its TM registrations, and had not abandoned any of its registrations through non-use. Indeed, in the final ruling there is specific reference to *Sixth Claim for Relief* not being ruled on, which was the *Declaratory Relief Claim* that sought to rule that Petitioner did not have any common law rights in the mark EDGE. Thus, the ruling

effectively confirmed that Petitioner does have all of its common law rights dating back to 1984 for the mark EDGE in U.S. commerce.

UK CASE

We do not proposed to give any time to respond to this entirely irrelevant case in another global territory, other than to say that Registrant has deliberately taken quotes out of context, and quoted minor comments that were there time, and were this relevant, Petitioner could show that in context there was no germane criticism of Petitioner here that could possibly reasonably impact the Board's decision in this filing.

INTERNATIONAL GAME DEVELOPERS ASSOCIATION

Similarly, Petitioner will not waste the Board's time by a lengthy response to this deliberately misleading quote and cite by Registrant. Suffice to say that the Association made its decision just after Judge Alsup issued his Opinion in October 2010 (which on its face seemed to imply that Rev Langdell lacked integrity and exhibited unethical behavior), but before the Final Judgment in that case that then found Rev Langdell entirely innocent of any of the suspected unethical behavior. The fact that the Association, having been shown to have acted on false information, then refused to reverse the decision is an issue far too complex to cover here, and is, we argue, ultimately irrelevant since this comment by Registrant merely shows that some people reacted to soon to news they thought was derogatory about Petitioner and Rev Langdell before hearing the truth and the ruling of innocence.

SANCTIONS REQUESTED AND GROUNDS OFFERED THEREFOR

To put this request for sanctions in context, there have been no "frivolous, harassing or vexatious" motions filed in these proceedings by Petitioner. And Petitioner has no history of usually filing such objectionable motions in other cases, either. The first motion was filed in good faith based on what Petitioner understood the TTAB representative was advising Petitioner to do. That motion was never served on Registrant and it was not expected that Registrant would respond to it, or that the Board would rule on it. However, Petitioner apologizes for not making this clearer and only indicating this in its telephone call on August 15, 2014. Petitioner is aware of the error it made here, and undertakes not to make any further such error in future. To sanction Petitioner for this honest over-sight and for the misunderstanding as to advice would be unfair and disproportionate.

The second motion was well intentioned and in good faith considering Registrant had specifically indicated it did not believe any deadline to have commenced, and thus implied it was not going to file any Replies to the Discovery Requests. As the Amended Motion to Compel Discovery makes clear, in the event what Registrant filed as not really responsive at all, thus in a real sense confirming that the first Motion to Compel, while untimely, was certainly not frivolous, harassing or vexatious.

And certainly, these two motions, when one considers the background of how they came to be filed, do not amount to a pattern of behavior that deserves to be sanctioned at all, let alone in the extreme way Registrant requests. Rather it is clearly Registrant who should be sanctioned for refusing to properly take part in the Discovery process, as is made clear in our Amended Motion to Compel.

Turning to the specific support for asking for the sanctions in question, it is outrageous that Registrant thought it was appropriate to reference the PTO's letter to Leo Stoller of July 14, 2006 (Registrant's Exhibit 12). Clearly, Registrant hopes to paint Petitioner and its CEO Rev Langdell with the same brush as Leo Stoller, which is outrageous. Petitioner and its CEO have a long history of filing entirely valid matters before the PTO, or defending oppositions/petitioners, in which Petitioner has consistently shown it files a moderate number of motions (taking into account the 20+ year history of filings), and has resulted in no such pattern of abusive or unacceptable behavior.

As the Leo Stoller letter reveals, that party was found to have filed over 1,800 requests for extension of time. Such behavior was indeed egregious, but to suggest that there is any pattern of behavior shown by Petitioner that remotely resembles that of Mr. Stoller is an insult to the intelligence of everyone involved in these proceedings.

As to the *Fort Howery Paper Co v. C.V. Gambina Inc.* cite, nothing in this cite supports such an extreme sanction as Registrant requests of prohibiting Petitioner from filing any further motions in this case. Filing two well intended motions, one of which was not served on Registrant since it was advised by the TTAB to have been filed due to an honest misunderstanding, does not come even remotely close to justifying any limitation on Petitioner filing future motions, let alone Petitioner being prohibited from filing any.

And, with respect, we trust the Board sees that by this request Registrant is showing its true colors that its primary goal in filing this document, and in refusing to properly and

fully take part in Discovery, is to win this case by frustrating Petitioner and denying Petitioner the ability to properly litigate it, since Registrant is fully aware that when this case is heard fairly on its merits, Petitioner will prevail.

As to *the International Finance Corp v. Bravo Co* cite, this cite does not support even the more minor sanction of the Board requiring Petitioner to gain the Board's permission before filing future motions. As can be seen from this cite, the Board decided in that extreme case to prohibit the party in question from filing any future motions without Board permission after it had filed three successive different motions to compel. Here, Petitioner has only filed one motion to compel, which an entirely reasonable amendment, and as such there is no comparison to the behavior of the party in the cite that the Board saw as rising to the level of justifying such a sanction.

Respectfully, then, both on the basis of the facts behind the motions, and the cites referenced by Registrant, there is no reasonable basis here to restrict or prohibit Petitioner at all regarding future motions in this case.

In regard to Registrant's request that Petitioner be sanctioned by being ordered to serve all documents by certified mail, Petitioner against responds that this is neither a proportionate, nor reasonable nor fair sanction given that there is no real evidence that such an order is required here. A single communication that Registrant alleges (with a self-serving statement by an employee) was not received, the reason for which may have been Post Office error, does not rise to the level of suggestion any such sanction is appropriate. Further, in all its recent communications to Registrant, Petitioner has in fact been of its own volition using certified mail, and Petitioner notes that Registrant has started now to use certified mail, too. Thus the parties have "self regulated" on this issue, and there is no reasonable or fair basis for the Board needing to rule on it.

As to the requested sanction that Petitioner must henceforth go to the time, trouble and cost of having all its documents notarized, there is no just or fair basis for requesting such a sanction, and such a sanction would be exceptionally onerous and disproportionate. It would only serve to hinder and frustrate Petitioner in its honest and legitimate pursuit of this cancelation, and is clearly another action by Registrant aimed at frustrating Petitioner's attempt to have this case heard on its merits.

Last, as to the remaining other sanctions request that Petitioner be prohibits from objecting to any of Registrant's discovery requests, not only is there no reasonable basis for this request, it would seem to be purely a "tit-for-tat" reaction by Registrant to Petitioner asking for the same sanction on Registrant (in our Motion to Compel and in our Amended Motion to Compel), but in our case Registrant has actively done all it can to frustrate the discovery process, whereas to-date Registrant has not made any discovery requests on Petitioner.

In summary, there are no reasonable grounds for sanctioning Petitioner, and each and every of the requested sanctions would be improper, unfair, disproportionate and unjustified. This filing by Registrant seems to have been entirely designed to waste Board time and run up Petitioner's costs, while also forcing Petitioner to expend tens of hours in considering the filing and responding to it. Clearly, this request for sanctions is all part of a concerted effort by Registrant to frustrate Petitioner, to do all it can not to fully comply with Petitioner's reasonable and relevant Discovery Requests, and to generally frustrate Petitioner in these proceedings in the hope that Petitioner will "go away." However, Petitioner has an entirely valid action here, and will win on the merits if the case can be heard fairly with all the evidence and facts before the Board, evidence and facts that currently Registrant still refuses to disclose or produce.

Respectfully submitted this day September 30, 2014,

A handwritten signature in black ink, appearing to read 'Tim Langdell', with a stylized, cursive script.

Rev Dr Tim Langdell, CEO Petitioner in *pro se*
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EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EDGE GAMES, INC., <div style="text-align: right;">Petitioner</div>	}	Cancellation No 92058543
v.	}	Registration No. 4394393
RAZER (ASIA-PACIFIC) PTE LTD <div style="text-align: right;">Registrant.</div>	}	Mark “EDGE”

**AMENDED MOTION TO COMPEL DISCOVERY AND MOTION TO TEST
SUFFICIENCY OF RESPONSE TO ADMISSION REQUESTS**

First, Petitioner wishes to clarify that its Motion to Compel Discovery filed September 9, 2014 was intended to replace its prior Motion for Summary Judgment, thereby withdrawing that earlier August 15, 2014 motion. On reviewing the September 9th filing Petitioner notes that this point was not made, and apologizes profusely for not making this clear at the time. This is to clarify, then, that Petitioner’s September 9th Motion was intended to replace Petitioner’s prior August 15th Motion, and Petitioner does not expect a ruling on the earlier motion. To further clarify, after Petitioner filed its Motion for Summary Judgment, later on August 15, 2014 Petitioner was able to exchange telephonic communication with the Board and was able to gain clarification that its Motion of that date was improper and the Board representative indicated to Petitioner that instead Petitioner should consider filing an alternate Motion based on review of Section 500 (specifically 523) of the Trademark Manual of Procedure. Petitioner followed the Board’s advice, which in turn lead to the September 9, 2014 Motion being filed, which in turn was intended to replace the August 15th motion. Again, Petitioner apologizes for any confusion caused by it not previously making this clear. **If for any reason the Board will not accept this as a Amendment to the original Motion to Compel, then this document should be accepted as a new Motion to Compel, on revised grounds, with**

the contents of the first Motion incorporated herein except where the content of the first motion is now irrelevant given Registrant did serve some documents on September 12, 2014 (the balance of the facts and arguments in the first Motion, and all Exhibits thereto, shall be considered incorporated herein).

WHY PETITIONER FILED ITS MOTION TO COMPEL PRIOR TO THE REGISTRANT'S TIME TO FILE REPLIES TO DISCOVERY REQUESTS EXPIRING.

Subsequent to Petitioner filing its Motion to Compel, Petitioner received Registrant's purported responses to the Discovery Requests and Request for Admissions. In hindsight, Petitioner now believes that it should have waited until Registrant's time to respond had fully expired before filing its Motion to Compel, but that said Petitioner believes that the timing of its Motion was justified on the grounds that Registrant made a definitive statement on August 29, 2014 that it did not accept that its time to respond to the discovery requests had started (see Exhibit A). Petitioner, quite reasonably, took this to be a clear statement by Registrant that it did not intend to file any responses to the requests, which in turn justified the timing of Petitioner's Motion to Compel. Again, since Registrant did in fact serve documents (that it no doubt wishes to now argue were responsive) within the time for it to respond to the requests, in hindsight perhaps Petitioner should have waited some further days before filing its Motion. Registrant apologizes to the Board, but does believe that Registrant's August 29th letter did give Petitioner every reason to believe Registrant was refusing to respond to the requests, which in turn justified the early filing of the Motion to Compel.

THE DOCUMENTS SERVED BY REGISTRANT TO THE DISCOVERY REQUESTS ARE NOT FULLY RESPONSIVE AND THUS THE MOTION TO COMPEL IS STILL ENTIRELY VALID ON REVISED GROUNDS

Turning now to the documents that Registrant served on Petitioner on September 12, 2014, allegedly in response to Petitioner's initial request for production of documents, request for admissions and initial interrogatories. Consideration of Registrant's replies to the interrogatories (see Exhibit B), its replies to the initial request for admissions (see Exhibit C) and its replies to the initial request for document production (see Exhibit D), it is clear that these replies are a blatant abuse of process and reveal that Registrant does not

intend to properly participate in discovery. Not only are these replies not fully responsive, they are instead actively obstructive, giving disingenuous and invalid reasons as to why each request and interrogatory should not or need not be properly responded to by Registrant. Indeed, Registrant could hardly make it more clear that it has no intention of complying with discovery unless compelled to do so by the Board. Hence this Amended Motion to Compel, which Petitioner believes is clearly entirely valid and (now) also entirely timely.

DETAILS OF FAILURE TO SERVE FULLY RESPONSIVE REPLIES TO DISCOVERY REQUESTS

As mentioned above, even a cursory review of the three documents that Registrant served on Petitioner reveals a concerted effort to dodge making any meaningful or fully responsive reply to any of Petitioner's requests, indeed the three documents amount to nothing more than a long list of invalid excuses not to respond to the requests. Just how egregious this blatant attempt to avoid complying with discovery is can be seen by the fact that **Registrant fails to produce even a *single* document as a result of the numerous document requests**, failing to give adequate or valid grounds for its failure to produce, and clearly not even trying to comply with the entirely usual and valid document requests. Similarly, Registrant's replies to the request for admission and interrogatories is responded to by a litany of invalid and unacceptable "objections" as to why Registrant does not need to admit anything or be responsive to interrogatories.

Where Registrant comes teasingly close to being responsive, it then falls far short of actually fully responding: for instance, in response to Interrogatories 1 and 26, Registrant admits Petitioner is entitled to details of Registrant's corporate officers, yet then fails to even provide this information.

FAILURE TO BE FULLY RESPONSIVE TO INTERROGATORY REQUESTS

Petitioner trusts that so egregious is Registrant's failure to properly and fully respond to the interrogatory requests, and so numerous are those obvious reasons, that Petitioner need not itemize all the valid reasons for requesting the Board order Registrant to serve proper fully responsive or face sanctions. Since Registrant uses essentially the same set of invalid grounds (objections) for failing to fully respond to interrogatories,

Petitioner trusts that giving a selection of examples of the invalidity and unacceptability of the so-called “objections” will enable the Board to rule in regard to all the Interrogatories, not just those given as examples of the endemic failure to fully respond.

Registrant repeatedly seeks to rely on the grounds of “overly broad, burdensome, vague, ambiguous and not relevant” as to the reason it refuses to respond to requests. However, in no instance is any interrogatory (“ROG”) overly broad, burdensome, vague, ambiguous, or irrelevant thus this repeated set of excuses for not responding is clearly an attempt to be unresponsive while seeming to provide valid reasons that are in fact not valid. Even if (which Petitioner does not accept) some interrogatories call for a substantive response that Registrant may feel is “overly broad” or “burdensome,” the Board should compel Registrant to still respond to the best of its ability and to the extent possible that Registrant reasonably believes is not overly broad or burdensome. Registrant should not be permitted not to respond at all, when at least a good faith best effort at response is reasonably called for and which Petitioner is reasonably entitled to.

Taking ROG #1 as an example, Registrant even admits that Petitioner should be supplied with details of the corporate officers it is requesting, and yet still does not supply that information. This interrogatory, and others like it that seek to determine the identities of corporate officers or decision makers regarding the trademark’s initial and ongoing use, are vital to the process of Discovery, since Petitioner has a right to gain knowledge of key persons with knowledge of the trademark and its use with a view to exercising Petitioner’s entirely valid right to depose said person(s). These ROGS are thus far from irrelevant, they are very relevant and Registrant’s refusal to fully respond is clearly an effort to wrongfully prevent Petitioner from being able to identify, and hence depose, key persons employed by Registrant with key knowledge relevant to these proceedings.

Taking ROG #2 as an example, it is highly relevant and essential that Petitioner gain knowledge of all sales made by Registrant of goods and services using the mark EDGE since Petitioner’s grounds for cancellation of the mark include consideration of the extent of use of the mark in U.S. commerce by registrant which goes to establishment of comparison of the degree to which the mark in question is associated with Petitioner’s many decades long use of the mark EDGE, compared to the extent of Registrant’s reputation in the mark (that has been gained by passing off on Petitioner’s good will).

Registrant seeks to deny Petitioner the right to know essential details of Registrant's commercial activity using the mark in question on the basis of TBMP 412.02(b). However, while 412.02(b) speaks to pro se litigants not having access to confidential commercial information, sales data does not fall into this protected category where it is central to the proceedings (as here and as is usual in cancellation proceedings) that the degree of use of the mark, as measured by sales and marketing, is a key determinative factor. Registrant does not have the right to object to Petitioner receiving details of its sales or marketing data related to the EDGE mark, indeed it is essential to Petitioner's case that it must have free and full access to such data and information, absent which Petitioner would be prevented from mounting its fully and proper case for cancellation of the mark.

Moving now to ROG #3 which has the invalid objection that Registrant seeks to use in this and in many other interrogatories, namely Registrant refuses to respond on the purported grounds that "foreign use of the EDGE mark is irrelevant." However, Registrant is fully aware that this and all other interrogatories like it in Petitioner's requests refers to use of the mark EDGE (which is, after all, a U.S. registered trademark) in United States commerce. Petitioner is not requesting details of foreign use of the mark EDGE here or in any other ROG that is asking for similar responses, rather clearly Petitioner is requesting details of Registrant's use of the mark in U.S. commerce. And, to be clear, in the definitions of what the term "Registrant" means, it is defined as being not just the named Singapore corporation, but also any U.S. subsidiaries, affiliates, agents, licensees and so forth. Registrant therefore cannot deliberately refuse to be fully responsive to this interrogatory (or any of the other similar ROGS where Registrant gave similar grounds for not responding) on the grounds that Registrant believed Petitioner was only referring to the Singapore company and hence by (very shaky logic) thus referring only to foreign use by the Singapore company. Clearly, that is not the case and it would be disingenuous of Registrant to claim this is what it thought as its excuse for providing these invalid grounds for objecting to this and all the similar ROGS.

ROG #5, and all interrogatories similar to it, reveal just how obstructionist Registrant is being, and how Registrant is clearly attempting to avoid properly participating in Discovery. This interrogatory asks what documents Registrant will seek

to rely upon and in response Registrant invalidly objects that the request is “overly broad and burdensome.” With respect, it cannot be either overly broad or burdensome to request a party to identify what documents it will rely upon, since by definition Registrant has expended the effort to identify those documents and Petitioner has a right to know what they are.

Now ROG #8; here Registrant objects on the absurd grounds that the interrogatory is logically inconsistent insofar as it asks for “each person” who was “primarily responsible.” This is a clear blatant attempt to avoid responding to an entirely valid interrogatory, the answer to which is vital to Petitioner since this is validly seeking primary responsible people’s identities so that Petitioner may depose these persons as a perfectly valid part of discovery. Clearly, if there is only one primarily responsible person, then Registrant should not try to dodge answering and should assume the request is for in this case the one person who is the “each person” – while the phrase suggests more than one person, it is entirely acceptable that the response is that there is only one person, if that is indeed the case. However, this interrogatory asks for all such persons, so for example in this case there may be a person in Singapore who was primarily responsible for the original decision to use the mark EDGE, whereas there may be a second person in the U.S. who was primarily responsible for commencing use of the mark EDGE in commerce here. In which case the ROG makes perfect sense, is not illogical, and requires Registrant to identify all such persons – be that one person, two or many such “primarily responsible” persons.

In ROG #11, Registrant uses another example of grounds for objection that is neither acceptable nor valid; namely, stating in blanket fashion that it refuses to respond “for the reasons set forth in the general objections above.” First, and at the least, Registrant should be compelled to identify what specific objection it is referring to so that Petitioner and Board can consider whether the objection is valid. Second, reviewing the general objections reveals no possible valid objection to responding to this ROG (or any of the other ROG S where Registrant used these grounds to refuse to respond), other than perhaps its reason 18 that it alleges the requests were not properly served. However, the requests were properly served, and the fact that Registrant responded within the 30 days permitted supports the view that Registrant is fully aware that service was made and was

valid. In Petitioner's worse case, the requests were validly served (we say, for the second time) on September 9, 2014 when they were supplied again by a valid service method as part of the Motion to Compel. Thus in Registrant's best possible case its full responses to all Interrogatories are due 30 days from September 9, 2014. However, Petitioner makes clear that this is not the case since the original service was indeed valid and we believe Registrant has effectively accepted the August service date.

As to Registrant's false statement that Petitioner did not serve its Initial Disclosures, this is not true since Petitioner did timely serve such on Registrant.

Petitioner believes these examples cover all of the false grounds Registrant sought to use to object to (and hence fail to) respond to the interrogatories, and it can clearly be seen that no such objection had any validity and/or at the least Registrant should have responded to the best of its ability, limiting itself to scope that it feels is reasonable (with justification), interpreting what it believes meaning to be where it would seek to argue ambiguity, and so forth. Such grounds should not be a basis for a complete failure to substantially respond at all, which is what Registrant did in the documents it served on September 12.

FAILURE TO FULLY RESPOND TO REQUEST FOR ADMISSIONS

Registrant's grounds for essentially refusing/failing to respond to any of Petitioner's request for admission include "for reasons set forth in its general objections," and because it claims that foreign use of and application for the EDGE mark is irrelevant. None of Registrant's "general objections" are valid, or at least do not excuse the complete failure of Registrant to respond to the request for admissions entirely. Most of Registrant's general objections are self-evidently invalid. Petitioner did serve its Initial Disclosures, hence this is an invalid objection, and the request for admission was also validly served. In Registrant's best argument the request for admission were also received by Registrant as a result of the service of the Motion to Compel on September 9, 2014. Thus, while Petitioner denies there was anything improper about its original service, at Registrant's best case it must serve fully responsive responses to admission requests by the deadline set by a September 9th service date. Again, that said, Petitioner reiterates that the original August service date was entirely valid, as is evidenced by Registrant

submitting a timely response based on the August service date, thereby effectively accepting the August service date as valid.

Clearly, none of the objects are valid, and Registrant is just trying to avoid participating in Discovery by refusing to respond to any of these admission requests on obviously invalid and disingenuous grounds.

FAILURE TO FULLY RESPOND TO DOCUMENT PRODUCTION REQUESTS

In short, Registrant fails to produce even a single document, which could hardly more clearly show that Registrant has no intention of participating in Discovery unless it is compelled to do so by the Board.

Despite the grounds being repeatedly used by Registrant, none of Petitioner's document production requests were overly broad, burdensome, vague, ambiguous or irrelevant. In many cases it is inherent in the discovery request that Petitioner is requesting those documents that Registrant itself would seek to rely upon to establish its rights in the mark EDGE through U.S. commerce, and yet even so Registrant refuses to produce any such documents, even the ones it will no doubt eventually seek to rely on itself, which can hardly be documents that these objections were valid grounds for refusing to produce now if Registrant intends to produce them itself in the future. In any event, Petitioner has a *right* to copies of all these documents since they are directly and critically relevant to these cancellation proceedings, and thus the Board should order Registrant to produce said requested documents forthwith.

None of Registrant's general objections are valid, and this is either obvious on their face, or they are invalid since Petitioner did serve its Initial Disclosures and Petitioner did validly serve these document requests on Registrant (which Registrant effectively accepts by its timely service of the replies based on Petitioner's service date).

THEREFORE:

Per 37 CFR §2.120(e), Petitioner therefore requests that the Board compel Registrant to respond to the discovery requests within 15 days of this amended motion, or such other earliest possible time the Board shall deem appropriate, with the time for discovery being stayed during consideration of this motion and during the pendency of

Registrant complying with the discovery requests and interrogatories. Petitioner particularly wishes to have additional time to make further reasonable requests and serve further reasonable interrogatories based on Registrant's eventual responses, and thus asks that the Board extend the period for Discovery accordingly to permit Petitioner to have such reasonable additional time.

Per 37 CFR §2.120(h), Petitioner requests that the Board test the sufficiency of Registrant's response to Petitioner's request for admissions and rule that having failed to respond in a timely manner that Registrant has not met the test, and is thus compelled to respond within 15 days of this motion (or such other deadline as the Board shall deem appropriate).

For its failure to participate in Discovery, including its refusal to take part in a telephonic Discovery Conference and to properly respond to Initial Disclosures, Petitioner also requests that Registrant be barred from objecting to any of Petitioner's requests or interrogatories, and barred from making any discovery requests on Petitioner, or requests for admissions, and that therefore Registrant be bound to accept without challenge any and all evidence submissions, witness statements, statements of fact relating to the case, and etc, that Petitioner may subsequently seek to rely on in these proceedings, without Registrant being permitted to object to any of same.

Respectfully submitted this day September 23, 2014,

A handwritten signature in dark ink, appearing to read 'Tim Langdell', written in a cursive, flowing style.

Rev Dr Tim Langdell, CEO Petitioner in *Pro Per/Se*
Edge Games, Inc.
530 South Lake Avenue, 171
Pasadena, CA 91101
Tel: 626 449 4334; Fax: 626 844 4334; Email: tim@edgegames.com

EXHIBIT A

FISH & RICHARDSON P.C.

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Frederick P. Fish
1855-1930

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August 29, 2014

Tim Langdell
Edge Games, Inc.
530 South Lake Avenue #171
Pasadena, CA 91101



ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

HOUSTON

MUNICH

NEW YORK

SILICON VALLEY

SOUTHERN CALIFORNIA

TWIN CITIES

WASHINGTON, DC

Re: EDGE Trademark Cancellation Action in the U.S.
Our Ref.: 39771-0019PP1

Dear Mr. Langdell:

This is to advise you that we have never received copies of your discovery requests via service by U.S. mail or other means, as required by Rule 2.119 of the U.S. Trademark Office, nor have we consented to service via email.

Accordingly, we do not consider your discovery requests to have been properly served, and our response deadline has not yet begun.

To avoid any future problems regarding service of papers, we suggest that we agree to service via U.S. certified mail. Please let me know if you agree.

Sincerely,


Keith A. Barritt

41030132.doc

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDGE GAMES, INC.

Petitioner,

v.

RAZER (ASIA-PACIFIC) PTE LTD,
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

**REGISTRANT'S RESPONSES TO
PETITIONER'S FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and Trademark Rules of Practice § 2.120, Registrant Razer (Asia-Pacific) Pte Ltd ("Registrant" or "Razer") by its undersigned attorneys hereby responds to Petitioner's First Requests for Interrogatories.

RESERVATION OF RIGHTS

Registrant's responses are based solely on information currently available to Registrant based upon a reasonable investigation. Investigation and discovery are ongoing. Registrant reserves all rights to supplement, revise and/or amend these responses should additional information become available through the discovery process or other means. Registrant also reserves the right to produce or use any information or documents that are discovered after service of these responses in support of or in opposition to any motion, in

depositions, or in hearings. In responding to Registrant's requests, Registrant does not waive any objection on the grounds of privilege, competency, relevance, materiality, authenticity, or admissibility of the information contained in these responses.

GENERAL OBJECTIONS

1. Registrant objects to the definitions, instructions, and requests to the extent that they seek information or documents protected by the attorney-client privilege or by the work product doctrine, prepared in connection with settlement discussions, prepared in anticipation of litigation or for trial, or subject to any other applicable privilege, protection, immunity or restriction upon discovery. Inadvertent disclosure of any privileged or protected information or documents in response to these requests shall not be deemed a waiver of the applicable privilege or protection, or of any other basis for objecting to discovery, or of the right of Registrant to object to the use, and see the return, of any such inadvertently disclosed information.

2. Registrant objects to the requests to the extent that they are not within the scope of permissive discovery under the Federal Rules of Civil Procedure and/or the Trademark Rules of Practice.

3. Registrant objects to the requests, including the definitions and instructions incorporated therein, to the extent that they seek to impose an improper or undue burden or a burden that exceeds what is contemplated by the Federal Rules of Civil Procedure and/or the Trademark Rules of Practice.

4. Registrant objects to the definitions, instructions and requests to the extent that they seek disclosure of information or documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible

evidence, or are in any other way inconsistent with the Federal Rules of Civil Procedure and/or the Trademark Rules of Practice. Registrant will respond to the requests only to the extent required by the Rules.

5. Registrant objects to Petitioner's definition of "RAZER," "you," and "your" as overly broad and to the extent that it includes persons or entities that are separate and distinct from Registrant and over which Registrant exercises no control.

6. Registrant objects to the requests to the extent that they use terms that are not defined or understood, or are vaguely or ambiguously defined, and therefore fail to identify with reasonable particularity the information sought. Registrant will not speculate as to the meaning to ascribe to such terms.

7. Registrant objects to the requests to the extent they seek to impose an obligation on Registrant to disclose information that is publicly available and/or as easily obtained by other parties than Registrant, or that is more appropriately obtained through sources other than requests, such as through expert witnesses, on the grounds that such discovery is overly broad and unduly burdensome. Registrant also Registrant objects to the requests to the extent that they seek information or documents that are already known to or in the possession of Registrant.

8. Registrant objects to the requests to the extent that they call for lay opinion, expert opinion, legal conclusions, or other non-factual responses.

9. Registrant objects to the requests to the extent that they seek information subject to confidentiality restrictions of a third party.

10. Registrant objects to the requests to the extent that they incorporate, and seek responses based on, erroneous statements of law, and any response is not to be construed as an agreement with such erroneous statements of pertinent law by Petitioner.

11. Registrant objects to the requests to the extent that they are duplicative.

12. Registrant objects to the requests to the extent that they seek to impose an obligation to identify or search for documents or information at any location other than that at which they would be expected to be stored in the ordinary course of business.

13. Registrant objects to the requests to the extent that they seek identification of “any” and “all” information that refers or relates to a particular subject on the grounds of overbreadth, undue burden, and expense.

14. Registrant objects to Petitioner’s requests that Registrant provide the “identity” of a person or document as overly broad and unduly burdensome, particularly with respect to information regarding the whereabouts of third parties or entities not within Registrant’s possession, custody, or control.

15. A statement by Registrant of its willingness to produce responsive documents that are not protected from discovery does not mean that such documents exist or that such documents, if they exist, are admissible, relevant, or reasonably calculated to lead to discovery of admissible evidence.

16. Registrant incorporates by reference the General Objections set forth above into each of its responses, whether or not repeated therein, as well as any specific stated objections. Registrant may repeat a general objection for emphasis or some other reason, but the failure to repeat any general objection does not waive any general objection to the requests for production. Registrant does not waive its right to amend its objections. Registrant’s willingness to provide the requested responses or information is not an admission that such responses or information are relevant or admissible.

17. Registrant objects to the service of the discovery requests prior to the service of Petitioner’s initial disclosures as required by Trademark Rule 2.120(a)(3). Accordingly,

pursuant to *Dating DNA, LLC v. Imagini Holdings, Ltd.*, 94 USPQ2d 1889 (TTAB 2010), Registrant objects to the discovery requests in their entirety and is not required to provide any substantive responses.

18. Registrant objects to the discovery requests on the grounds that they were not properly served as required by Rule 2.119 of the U.S. Trademark Office.

19. Registrant reserves the right to include additional objections to any future discovery requests.

20. Unless otherwise stated, individuals identified herein may only be contacted via Registrant's outside litigation counsel, Fish & Richardson P.C.

REGISTRANT'S RESPONSES TO PETITIONER'S FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1:

Identify each officer and managing agent of Registrant, giving each officer's and managing agent's name, address, title and duties with respect to Registrant. In particular, identify all such persons in Registrant's Singapore company, in its United States subsidiary(ies) along with all other persons responsive to this interrogatory.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects that pursuant to Section 414 (12) of the Trademark Trial and Appeal Board Manual of Procedure, the most that Petitioner is entitled to is information regarding Registrant's officers.

INTERROGATORY NO. 2:

Identify each product and/or service provided by Registrant prior to April 17, 2012 and list the mark under which each product and/or service was provided, the dates during which each product and/or service was provided, annual sales for each year each product and/or service was provided, the amount spent annually on advertising each product and/or service, and the geographic area in which each product and/or service was advertised, provided and/or sold.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects that it is not required to provide information with respect to its marks and goods that are not involved in this proceeding, pursuant to Section 414(11) of the Trademark Trial and Appeal Board Manual of Procedure. Registrant further objects that information regarding its sales and advertising expenditures is trade secret/commercially sensitive and therefore Petitioner as a pro se litigant is not entitled to such information pursuant to Section 412.02(b) of the Trademark Trial and Appeal Board Manual of Procedure.

INTERROGATORY NO. 3:

Identify and describe each product and/or service sold and/or distributed by Registrant under the designation EDGE.

OBJECTIONS: Registrant objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the EDGE mark is irrelevant.

INTERROGATORY NO. 4:

State the exact dates(s) on which Registrant will rely as to when its use of the term EDGE commenced in connection with the sale or distribution of each product and/or service specified in answer to above Interrogatory No. 3.

OBJECTIONS: Registrant objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the EDGE mark is irrelevant.

INTERROGATORY NO. 5:

Identify all documents, purchase orders, invoices, labels, flyers, brochures, other advertising or any writing whatsoever which Registrant will rely upon to establish the date(s) specified in answer to above Interrogatory No. 4.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome.

INTERROGATORY NO. 6:

With respect to the first use(s) of EDGE in connection with the sale of each product and/or service identified in above Interrogatory No. 3, state:

- (a) Each manner in which the term EDGE was used, e.g. by affixing to containers, labels, or in newspaper advertising or fliers;
- (b) If the designation EDGE was printed on containers for the product or on labels, the name and address of the person(s) or organization(s) which printed them;

- (c) If the designation EDGE was used in brochures or fliers, the name and address of the person(s) or organization(s) which printed them;
- (d) If the designation was used in media advertising, the name and address of the person(s) or organization(s) which advertised them;
- (e) Whether the product and/or service was sold;
- (f) Whether the product and/or service was offered free of charge;
- (g) The name and address of each and every person(s) or organization(s) to whom/which the product and/or service was sold;
- (h) Whether Registrant itself manufactured each of the product(s) sold and/or distributed under the designation EDGE.
- (i) Whether Registrant itself provided the service(s) sold under the designation EDGE.
- (j) Whether the sale of each product or service under the designation EDGE has been continuous from each date specified in above Interrogatory No. 4 to the present;
- (k) If the answer to Interrogatory 6, including any portion thereof, is in the affirmative, state whether the circumstances that are described in answer to Interrogatory 6 prevailed throughout the period beginning on the date identified in above Interrogatory 4;
- (l) If the circumstances described in the answer to Interrogatory 6, including any portion thereof, did not prevail throughout the period(s) beginning on the date identified in above Interrogatory 4, state in detail how they changed, providing specific dates and names wherever requested; and
- (m) If the answer to Interrogatory 6(j) is in the negative, state the periods of time during which the term EDGE was not used by Registrant in connection with the sale of each product and/or service.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the EDGE mark is irrelevant. Registrant also objects that the names and contact details of Registrant's customers are not discoverable pursuant to Section 414(3) of the Trademark Trial and Appeal Board Manual of Procedure.

INTERROGATORY NO. 7:

State why Registrant selected the term EDGE as a trademark for each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 and explain in detail how this mark was decided upon before use.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

INTERROGATORY NO. 8:

Identify each person who was primarily responsible for selecting the term EDGE as a product and/or service mark.

OBJECTIONS: Registrant objects to this Request on the grounds that the question is logically inconsistent in that it requests information regarding “each person” who was “primarily responsible.”

INTERROGATORY NO. 9:

Identify each person involved in the decision to use the mark EDGE for the products and/or services identified in Classes 9 and 28 of Reg. No. 4,394,393.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

INTERROGATORY NO. 10:

Identify all documents in the possession, custody or control of Registrant including but not limited to search reports, market surveys, interoffice memoranda, etc., referring or relating to the adoption of the term EDGE as a mark for each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding.

INTERROGATORY NO. 11:

Identify and describe the channels of trade in the United States of each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 marketed under the designation EDGE.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

INTERROGATORY NO. 12:

Identify all purchasers by class (e.g., retailers, general public) of each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 marketed under the designation EDGE, whether sold or distributed directly, through licensees, or by any other sales or distribution arrangement.

OBJECTIONS: Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the EDGE mark is irrelevant.

INTERROGATORY NO. 13:

Identify each item of sales literature, including brochures and fliers produced by or for Registrant for distribution in the United States to advertise each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 marketed under the designation EDGE.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

INTERROGATORY NO. 14:

List all geographical areas (by city, state and country) in which Registrant sells each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 under the designation EDGE.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the EDGE mark is irrelevant.

INTERROGATORY NO. 15:

List all newspapers in the United States in which Registrant has advertised each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 under the designation EDGE and the dates thereof.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome.

INTERROGATORY NO. 16:

List all trade journals and magazines (printed or electronic) in the United States in which Registrant has advertised each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 and the dates thereof.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome.

INTERROGATORY NO. 17:

List all radio and/or TV stations in the United States where Registrant has advertised each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 under the designation EDGE and the dates hereof.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome.

INTERROGATORY NO. 18:

List all other media, not already identified in above Interrogatories 15, 16, and 17 where Registrant has advertised each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 under the designation EDGE and the dates thereof.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the EDGE mark is irrelevant.

INTERROGATORY NO. 19:

For each calendar year since commencement of use of the designation EDGE in connection with the marketing of each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393, state the amount expended by Registrant in the United States in the advertisement of each product and/or service.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome. Registrant further objects that information regarding its advertising expenditures is trade secret/commercially sensitive and therefore Petitioner as a pro se litigant is not entitled to such information pursuant to Section 412.02(b) of the Trademark Trial and Appeal Board Manual of Procedure.

INTERROGATORY NO. 20:

For each calendar year since commencement of use of the designation EDGE in connection with the sale of each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393, state the amount of sales by Registrant in the United States of each product and/or service.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome. Registrant further objects that information regarding its sales is trade secret/commercially sensitive and therefore Petitioner as a pro se litigant is not entitled to such information pursuant to Section 412.02(b) of the Trademark Trial and Appeal Board Manual of Procedure.

INTERROGATORY NO. 21:

Describe in detail all instances of actual confusion known to Registrant between the source of Petitioner's products and/or services and each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 and identify all documents in the possession, custody or control of Registrant relating to each such instances of confusion.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

INTERROGATORY NO. 22:

Identify by name and address all person(s) or organization(s) who have been responsible for advertising each service specified in Classes 9 and 28 of Reg. No. 4,394,393, under the designation EDGE.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

INTERROGATORY NO. 23:

Has Registrant requested or received or does Registrant have knowledge of any opinions, legal or otherwise, of any type regarding the right to use the mark EDGE or in relation to whether Petitioner has a right to the mark EDGE? If the answer to this interrogatory is other than a categorical unqualified negative, identify the person or persons requesting each such opinion; identify each such opinion; and identify the person rendering each such opinion.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

INTERROGATORY NO. 24:

Has Registrant or any of its officers or managing agents identified in the answer to above Interrogatory No. 1 ever considered or attempted to initiate or ever been party to a lawsuit, Trademark Office opposition or cancellation proceeding (other than the present proceeding) in the United States involving or relating to the use or registration of the mark EDGE?

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

INTERROGATORY NO. 25:

If the answer to above Interrogatory 24 is yes, set forth the following concerning each such litigation or proceeding: identify each actual or potential adversary and the trademarks involved; state its case docket number and filing date and identify the tribunal involved; state its outcome; identify all documents referring or relating to such litigation or proceeding and ensuing negotiations, if any; and state the name(s) and address(es) and telephone number(s) of all counsel representing any adverse party in such litigation or proceeding.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome.

INTERROGATORY NO. 26:

Identify the Registrant's predecessors-in-interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects that pursuant to Section 414 (12) of the Trademark Trial and Appeal Board Manual of Procedure, the most that Petitioner is entitled to is information regarding officers.

INTERROGATORY NO. 27:

Identify any and all documents responsive to the foregoing interrogatories which are lost or unavailable and identify the date(s) the loss or unavailability was first discovered, the person(s) who first discovered the loss or unavailability and the person(s) most knowledgeable about the contents of such lost or unavailable documents.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

INTERROGATORY NO. 28:

Identify all persons who participated in any way in the preparation of the answers or responses to these interrogatories and state specifically, with reference to interrogatory numbers, the area of participation of each such person (excluding only Registrant's lawyers or their representatives).

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

INTERROGATORY NO. 29:

Identify the person within Registrant who has the greatest knowledge as to the information requested, as to each of the above interrogatories.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

INTERROGATORY NO. 30:

Identify any study, research, focus group, testing or similar validation procedure employed by Registrant or any person or entity at Registrant's request or on behalf of Registrant to determine the presence and/or absence of any confusion between Petitioner's product and/or services and the products and/or services specified in Classes 25 and 28 of Reg. No. 4,394,393.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

INTERROGATORY NO. 31:

Identify any person with whom Registrant has discussed its use in U.S. commerce of the mark EDGE, or has discussed Petitioner's use or right to use the mark EDGE, or has discussed Petitioner's licensee agreements or arrangements relating to the mark EDGE, including any person associated with Petitioner's licensees or any license arrangement Petitioner may have for the mark EDGE. In each case give the person's full name, contact details, and full itemized details of each and every communication whether oral or written and the nature of each.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

INTERROGATORY NO. 32:

Was Registrant aware of Petitioner's use (or any use by any licensee of Petitioner and/or use by Velocity Micro Inc.) of the mark EDGE in U.S. commerce prior to (a) April 17, 2012, (b) Registrant's first use of the mark EDGE anywhere worldwide, (c) Registrant's first use of the mark EDGE in Singapore, (d) Registrant's first use of the mark EDGE in U.S. commerce? Unless the response to this interrogatory is a definitive "no" to any and all parts of it, then in each case identify everything that Registrant was aware of, what documents or events Registrant was aware of, with whom Registrant discussed such use, and any other pertinent fact relating to such use by Petitioner or Velocity Micro Inc. or otherwise.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the EDGE mark is irrelevant.

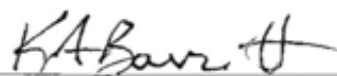
INTERROGATORY NO. 33:

Identify in all ways how Registrant intends to rely on any foreign registration or foreign use of the mark EDGE, giving full details of how Registrant so intends, including all persons and documents relating thereto it intends to rely on.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the EDGE mark is irrelevant.

Sept. 12, 2014
Date

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Attorneys for Registrant

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDGE GAMES, INC.

Petitioner,

v.

RAZER (ASIA-PACIFIC) PTE LTD,
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

**REGISTRANT'S RESPONSES TO
PETITIONER'S FIRST REQUESTS FOR ADMISSION**

Pursuant to Federal Rule of Civil Procedure 36 and Trademark Rules of Practice § 2.120, Registrant Razer (Asia-Pacific) Pte Ltd ("Registrant" or "Razer") by its undersigned attorneys hereby responds to Petitioner's First Requests for Admission.

RESERVATION OF RIGHTS

Registrant's responses are based solely on information currently available to Registrant based upon a reasonable investigation. Investigation and discovery are ongoing. Registrant reserves all rights to supplement, revise and/or amend these responses should additional information become available through the discovery process or other means. Registrant also reserves the right to produce or use any information or documents that are discovered after service of these responses in support of or in opposition to any motion, in

depositions, or in hearings. In responding to Registrant's requests, Registrant does not waive any objection on the grounds of privilege, competency, relevance, materiality, authenticity, or admissibility of the information contained in these responses.

GENERAL OBJECTIONS

1. Registrant objects to the definitions, instructions, and requests to the extent that they seek information or documents protected by the attorney-client privilege or by the work product doctrine, prepared in connection with settlement discussions, prepared in anticipation of litigation or for trial, or subject to any other applicable privilege, protection, immunity or restriction upon discovery. Inadvertent disclosure of any privileged or protected information or documents in response to these requests shall not be deemed a waiver of the applicable privilege or protection, or of any other basis for objecting to discovery, or of the right of Registrant to object to the use, and see the return, of any such inadvertently disclosed information.

2. Registrant objects to the requests to the extent that they are not within the scope of permissive discovery under the Federal Rules of Civil Procedure and/or the Trademark Rules of Practice.

3. Registrant objects to the requests, including the definitions and instructions incorporated therein, to the extent that they seek to impose an improper or undue burden or a burden that exceeds what is contemplated by the Federal Rules of Civil Procedure and/or the Trademark Rules of Practice.

4. Registrant objects to the definitions, instructions and requests to the extent that they seek disclosure of information or documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible

evidence, or are in any other way inconsistent with the Federal Rules of Civil Procedure and/or the Trademark Rules of Practice. Registrant will respond to the requests only to the extent required by the Rules.

5. Registrant objects to Petitioner's definition of "RAZER," "you," and "your" as overly broad and to the extent that it includes persons or entities that are separate and distinct from Registrant and over which Registrant exercises no control.

6. Registrant objects to the requests to the extent that they use terms that are not defined or understood, or are vaguely or ambiguously defined, and therefore fail to identify with reasonable particularity the information sought. Registrant will not speculate as to the meaning to ascribe to such terms.

7. Registrant objects to the requests to the extent they seek to impose an obligation on Registrant to disclose information that is publicly available and/or as easily obtained by other parties than Registrant, or that is more appropriately obtained through sources other than requests, such as through expert witnesses, on the grounds that such discovery is overly broad and unduly burdensome. Registrant also objects to the requests to the extent that they seek information or documents that are already known to or in the possession of Registrant.

8. Registrant objects to the requests to the extent that they call for lay opinion, expert opinion, legal conclusions, or other non-factual responses.

9. Registrant objects to the requests to the extent that they seek information subject to confidentiality restrictions of a third party.

10. Registrant objects to the requests to the extent that they incorporate, and seek responses based on, erroneous statements of law, and any response is not to be construed as an agreement with such erroneous statements of pertinent law by Petitioner.

11. Registrant objects to the requests to the extent that they are duplicative.

12. Registrant objects to the requests to the extent that they seek to impose an obligation to identify or search for documents or information at any location other than that at which they would be expected to be stored in the ordinary course of business.

13. Registrant objects to the requests to the extent that they seek identification of “any” and “all” information that refers or relates to a particular subject on the grounds of overbreadth, undue burden, and expense.

14. Registrant objects to Petitioner’s requests that Registrant provide the “identity” of a person or document as overly broad and unduly burdensome, particularly with respect to information regarding the whereabouts of third parties or entities not within Registrant’s possession, custody, or control.

15. A statement by Registrant of its willingness to produce responsive documents that are not protected from discovery does not mean that such documents exist or that such documents, if they exist, are admissible, relevant, or reasonably calculated to lead to discovery of admissible evidence.

16. Registrant incorporates by reference the General Objections set forth above into each of its responses, whether or not repeated therein, as well as any specific stated objections. Registrant may repeat a general objection for emphasis or some other reason, but the failure to repeat any general objection does not waive any general objection to the requests for production. Registrant does not waive its right to amend its objections. Registrant’s willingness to provide the requested responses or information is not an admission that such responses or information are relevant or admissible.

17. Registrant objects to the service of the discovery requests prior to the service of Petitioner’s initial disclosures as required by Trademark Rule 2.120(a)(3). Accordingly,

pursuant to *Dating DNA, LLC v. Imagini Holdings, Ltd.*, 94 USPQ2d 1889 (TTAB 2010), Registrant objects to the discovery requests in their entirety and is not required to provide any substantive responses.

18. Registrant objects to the discovery requests on the grounds that they were not properly served as required by Rule 2.119 of the U.S. Trademark Office.

19. Registrant reserves the right to include additional objections to any future discovery requests.

20. Unless otherwise stated, individuals identified herein may only be contacted via Registrant's outside litigation counsel, Fish & Richardson P.C.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES

Subject to the foregoing General Objections and reservation of rights, as well as the specific objections set forth below, Registrant responds as follows:

REGISTRANT'S RESPONSES TO PETITIONER'S FIRST REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Admit that you had constructive knowledge of EDGE's use of the mark EDGE and/or claims to ownership of the mark EDGE prior to applying for the Razer Mark.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 2:

Admit that you had constructive knowledge of EDGE's use of the mark EDGE and/or claims to ownership of the mark EDGE prior to applying for the Razer Singapore Mark.

OBJECTIONS: Registrant objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of and application for the Razer Mark is irrelevant.

REQUEST FOR ADMISSION NO. 3:

Admit that you had constructive knowledge of Velocity Micro Inc.'s use of the mark EDGE prior to applying for the Razer Mark.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 4:

Admit that you had constructive knowledge of Velocity Micro Inc.'s use of the mark EDGE prior to applying for the Razer Singapore Mark.

OBJECTIONS: Registrant objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of and application for the Razer Mark is irrelevant.

REQUEST FOR ADMISSION NO. 5:

Admit that you had constructive knowledge of EDGE's use of the mark EDGE and/or claims to ownership interest in the mark EDGE prior to first use of the Razer Mark in U.S. commerce.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 6:

Admit that you had constructive knowledge of Velocity Micro Inc.'s use of the mark EDGE prior to first use of the Razer Mark in U.S. commerce.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 7:

Admit that use by RAZER of the mark EDGE for the goods and services mentioned in RAZER's Reg. no. 4,394,393 would have a likelihood of being confused with EDGE's use of the same mark for game computers or computer games, or use by one of EDGE's licensees for computer game hardware or related goods and services, such that consumers may be unclear as to the true source.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 8:

Admit that filing an application for registration of a trademark does not constitute right to use that trademark.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 9:

Admit that you had actual knowledge of EDGE's application no. 85/147,499 for the mark EDGE GAMES at the time you filed the Razer Mark application.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 10:

Admit that you had actual knowledge of EDGE's application no. 85/147,499 for the mark EDGE GAMES at the time you commenced first use of the Razer Mark.

OBJECTIONS: Registrant objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of and application for the Razer Mark is irrelevant.

REQUEST FOR ADMISSION NO. 11:

Admit that you have actual knowledge of EDGE's application no. 85/891,810 for the mark EDGE GAMING PC and/or are aware that registration of the Razer Mark is an obstacle to EDGE gaining registration of this mark.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 12:

Admit that you have actual knowledge of EDGE's application no. 85/891,810 for the mark EDGE PC and/or are aware that registration of the Razer Mark is an obstacle to EDGE gaining registration of this mark.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 13:

Admit that the Razer Mark registration and the mark “EDGE” used by EDGE and are identical marks.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 14:

Admit that the Razer Mark registration and the mark “EDGE” used by EDGE’s various trademark licensees and are identical marks.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 15:

Admit that the Razer Mark registration and the mark “EDGE” used by Velocity Micro Inc. and are identical marks.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 16:

Admit that the Razer Mark registration and the mark “GAMER’S EDGE” used by EDGE and Velocity Micro Inc. and are essentially the same marks given that “GAMER’S” is merely descriptive of the target audience of RAZER, EDGE and Velocity Micro Inc.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 17:

Admit that you have received communications, intended for EDGE or Velocity Micro Inc. or one of EDGE’s other licensees about the Razer Edge products.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 18:

Admit that you have received e-mails, intended EDGE or Velocity Micro Inc. or one of EDGE’s other licensees about the Razer Edge products.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 19:

Admit that Razer Mark products and the EDGE brand products sold by EDGE and EDGE's licensees are related fields and the design of all those products are related fields.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 20:

Admit that the manufacturing of Razer Mark brand products on the one hand, and the engineering of EDGE's and EDGE's licensee's products — such as those by Velocity Micro Inc. — on the other hand, are related fields.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 21:

Admit that the Razer Mark products produced by RAZER are targeted at computer game playing consumers.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 22:

Admit that the EDGE's "EDGE" brand products are targeted at computer game playing consumers.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 23:

Admit that the Velocity Micro Inc's EDGE brand products are targeted at computer game playing consumers.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 24:

Admit that RAZER owns the U.S. Trademark Reg. No. 4,330,124 "FOR GAMERS. BY GAMERS."

OBJECTIONS: Registrant objects to this Request as it requests irrelevant information, pursuant to Section 4I4(11) of the Trademark Trial and Appeal Board Manual of Procedure.

REQUEST FOR ADMISSION NO. 25:

Admit that RAZER received a request from EDGE for RAZER to cease and desist from use of the Razer Mark and that RAZER failed to act on that request.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 26:

Admit that Chin-Gee Ong who styled himself as working for “Razer|Fox (Asia-Pacific)” and as being a “Senior IP Executive” for said company wrote to EDGE’s CEO D. Langdell on or about April 11, 2011 responding to EDGE’s cease and desist demand stating that RAZER’s “intention is to be cooperative” in dealing with EDGE’s protest of RAZER use of the Razer Mark.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 27:

Admit that “Razer|Fox” that Chin-Gee Ong stated he worked for in April 2011 is RAZER.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 28:

Admit that employees and representatives of RAZER were warned of the consequences of using the mark EDGE on RAZER products when this mark has been well known in U.S. commerce in relation to similar and identical products sold by EDGE and/or its affiliates and/or its licensees.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 29:

Admit that game tablets are game computers in portable form.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 30:

Admit that Velocity Micro Inc. is well known for producing game computers and tablet computers.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 31:

Admit that Velocity Micro Inc. is well known for producing game computers and using the brand name "EDGE."

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 32:

Admit that Velocity Micro Inc. sells game computers and other related products through the same, or essentially, the same channels as RAZER sells its Razer Mark products.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

REQUEST FOR ADMISSION NO. 33:

Admit that The Lanham Act gives a court discretionary power to increase damages up to treble damages were RAZER to be found to have knowingly used, or continued to use, the Razer Mark after gaining knowledge of the earlier acquired rights in the same mark, for the same or closely related goods and services, owned by EDGE.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

Respectfully submitted,

Razer (Asia-Pacific) Pte Ltd.



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Sept. 12, 2014
Date

Attorneys for Registrant

EXHIBIT D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDGE GAMES, INC.

Petitioner,

v.

RAZER (ASIA-PACIFIC) PTE LTD,
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

**REGISTRANT'S RESPONSES TO
PETITIONER'S FIRST SET OF DOCUMENT REQUESTS**

Pursuant to Federal Rule of Civil Procedure 34 and Trademark Rules of Practice § 2.120, Registrant Razer (Asia-Pacific) Pte Ltd ("Registrant" or "Razer") by its undersigned attorneys hereby responds to Petitioner's First Set of Document Requests.

RESERVATION OF RIGHTS

Registrant's responses are based solely on information currently available to Registrant based upon a reasonable investigation. Investigation and discovery are ongoing. Registrant reserves all rights to supplement, revise and/or amend these responses should additional information become available through the discovery process or other means. Registrant also reserves the right to produce or use any information or documents that are discovered after service of these responses in support of or in opposition to any motion, in

depositions, or in hearings. In responding to Registrant's requests, Registrant does not waive any objection on the grounds of privilege, competency, relevance, materiality, authenticity, or admissibility of the information contained in these responses.

GENERAL OBJECTIONS

1. Registrant objects to the definitions, instructions, and requests to the extent that they seek information or documents protected by the attorney-client privilege or by the work product doctrine, prepared in connection with settlement discussions, prepared in anticipation of litigation or for trial, or subject to any other applicable privilege, protection, immunity or restriction upon discovery. Inadvertent disclosure of any privileged or protected information or documents in response to these requests shall not be deemed a waiver of the applicable privilege or protection, or of any other basis for objecting to discovery, or of the right of Registrant to object to the use, and see the return, of any such inadvertently disclosed information.

2. Registrant objects to the requests to the extent that they are not within the scope of permissive discovery under the Federal Rules of Civil Procedure and/or the Trademark Rules of Practice.

3. Registrant objects to the requests, including the definitions and instructions incorporated therein, to the extent that they seek to impose an improper or undue burden or a burden that exceeds what is contemplated by the Federal Rules of Civil Procedure and/or the Trademark Rules of Practice.

4. Registrant objects to the definitions, instructions and requests to the extent that they seek disclosure of information or documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible

evidence, or are in any other way inconsistent with the Federal Rules of Civil Procedure and/or the Trademark Rules of Practice. Registrant will respond to the requests only to the extent required by the Rules.

5. Registrant objects to Petitioner's definition of "RAZER," "you," and "your" as overly broad and to the extent that it includes persons or entities that are separate and distinct from Registrant and over which Registrant exercises no control.

6. Registrant objects to the requests to the extent that they use terms that are not defined or understood, or are vaguely or ambiguously defined, and therefore fail to identify with reasonable particularity the information sought. Registrant will not speculate as to the meaning to ascribe to such terms.

7. Registrant objects to the requests to the extent they seek to impose an obligation on Registrant to disclose information that is publicly available and/or as easily obtained by other parties than Registrant, or that is more appropriately obtained through sources other than requests, such as through expert witnesses, on the grounds that such discovery is overly broad and unduly burdensome. Registrant also Registrant objects to the requests to the extent that they seek information or documents that are already known to or in the possession of Registrant.

8. Registrant objects to the requests to the extent that they call for lay opinion, expert opinion, legal conclusions, or other non-factual responses.

9. Registrant objects to the requests to the extent that they seek information subject to confidentiality restrictions of a third party.

10. Registrant objects to the requests to the extent that they incorporate, and seek responses based on, erroneous statements of law, and any response is not to be construed as an agreement with such erroneous statements of pertinent law by Petitioner.

11. Registrant objects to the requests to the extent that they are duplicative.
12. Registrant objects to the requests to the extent that they seek to impose an obligation to identify or search for documents or information at any location other than that at which they would be expected to be stored in the ordinary course of business.
13. Registrant objects to the requests to the extent that they seek identification of “any” and “all” information that refers or relates to a particular subject on the grounds of overbreadth, undue burden, and expense.
14. Registrant objects to Petitioner’s requests that Registrant provide the “identity” of a person or document as overly broad and unduly burdensome, particularly with respect to information regarding the whereabouts of third parties or entities not within Registrant’s possession, custody, or control.
15. A statement by Registrant of its willingness to produce responsive documents that are not protected from discovery does not mean that such documents exist or that such documents, if they exist, are admissible, relevant, or reasonably calculated to lead to discovery of admissible evidence.
16. Registrant incorporates by reference the General Objections set forth above into each of its responses, whether or not repeated therein, as well as any specific stated objections. Registrant may repeat a general objection for emphasis or some other reason, but the failure to repeat any general objection does not waive any general objection to the requests for production. Registrant does not waive its right to amend its objections. Registrant’s willingness to provide the requested responses or information is not an admission that such responses or information are relevant or admissible.
17. Registrant objects to the service of the discovery requests prior to the service of Petitioner’s initial disclosures as required by Trademark Rule 2.120(a)(3). Accordingly,

pursuant to *Dating DNA, LLC v. Imagini Holdings, Ltd.*, 94 USPQ2d 1889 (TTAB 2010), Registrant objects to the discovery requests in their entirety and is not required to provide any substantive responses.

18. Registrant objects to the discovery requests on the grounds that they were not properly served as required by Rule 2.119 of the U.S. Trademark Office.

19. Registrant reserves the right to include additional objections to any future discovery requests.

20. Unless otherwise stated, individuals identified herein may only be contacted via Registrant's outside litigation counsel, Fish & Richardson P.C.

REGISTRANT'S RESPONSES TO FIRST SET OF DOCUMENT REQUESTS

Subject to the foregoing General Objections and reservation of rights, as well as the specific objections set forth below, Registrant responds as follows:

DOCUMENT REQUEST NO. 1:

All documents relating in any way to your use of the mark EDGE, Petitioner's use of the mark EDGE or any other party's use of the mark EDGE.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

DOCUMENT REQUEST NO. 2:

All documents relating to communications between you and any party discussing your use of the mark EDGE or Petitioner's use of the mark EDGE or any other party's use of the mark EDGE.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

DOCUMENT REQUEST NO. 3:

All documents relating to communications with third parties, other than your counsel, concerning your decision to use the mark EDGE.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

DOCUMENT REQUEST NO. 4:

All documents relating to actual confusion between you or any of your products and services, and EDGE or Velocity Micro Inc. or any of their products or services.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome.

DOCUMENT REQUEST NO. 5:

All documents relating to any incident or proceeding in which anyone has challenged your use or registration of, or the rights you claim, in the Razer Mark including but not limited to any demand to cease and desist.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome.

DOCUMENT REQUEST NO. 6:

All documents relating to any incident or proceeding in which a third party has challenged your use or registration of, or the rights you claim in the Razer Mark, including but not limited to any demand to cease and desist.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome.

DOCUMENT REQUEST NO. 7:

All documents relating to any incident or proceeding in which you have challenged the rights of a third party based on the rights you claim to the Razer Mark, including but not limited to any demand to cease and desist.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome.

DOCUMENT REQUEST NO. 8:

All documents relating to your selection and/or adoption of the mark EDGE or any mark including the word EDGE in it.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

DOCUMENT REQUEST NO. 9:

All documents relating to your decision to file the 79,117,898 application or to your decision to file any foreign application for the same mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use and application for the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 10:

All documents relating to any trademark applications you have filed for the Razer Mark including but not limited to any correspondence between you or your counsel, on the one hand, and the U.S. Patent and Trademark Office on the other, or any communications in any foreign territory relating to foreign applications for the mark EDGE or foreign registrations thereof.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use and application for the Razer Mark is irrelevant. Registrant further objects that any requested correspondence with the U.S. Patent and Trademark Office is available to the public via the website of the Office and is therefore equally available to Petitioner as to Registrant.

DOCUMENT REQUEST NO. 11:

All documents relating to any communications between you or your counsel, on the one hand, and the U.S. Patent and Trademark Office, on the other hand, concerning trademark applications incorporating the EDGE led by anyone other than you.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous. Registrant further objects that any requested correspondence with the U.S. Patent and Trademark Office is available to the public via the website of the Office and is therefore equally available to Petitioner as to Registrant.

DOCUMENT REQUEST NO. 12:

All documents relating to any investigation, trademark search, and/or other inquiry conducted by you, and/or on your behalf, in connection with assessing the availability, registrability, or use of the Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

DOCUMENT REQUEST NO. 13:

All documents relating to studies and/or surveys in connection with the use of the Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

DOCUMENT REQUEST NO. 14:

All documents relating to studies, tests, ratings, and/or surveys in connection with your products and services.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant also objects pursuant to Section 414(11) of the Trademark Trial and Appeal Board Manual of Procedure that this Request is overly broad because it is not limited to products and services related to the Razer Mark.

DOCUMENT REQUEST NO. 15:

All documents relating to your selection, adoption and registration of any Internet domain names incorporating the word EDGE.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding.

DOCUMENT REQUEST NO. 16:

Documents sufficient to identify every product and service on or in connection with which you have used or are using the Razer Mark or any mark incorporating the word EDGE.

OBJECTIONS: Registrant objects to this Request pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the EDGE mark is irrelevant.

DOCUMENT REQUEST NO. 17:

All documents relating to the dates of the first use, on or in connection with each of your products and services, of the Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use and application for the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 18:

All documents relating to the dates of first use in commerce, on or in connection with each of your products and services, of the Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

DOCUMENT REQUEST NO. 19:

All documents relating to your past and present efforts to promote or expand public awareness of the Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 20:

All documents relating to any license agreements, or consents to use, that you have granted to third parties for Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST 21:

All documents relating to your plans for future use of, or plans to license others in the future to use, the Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant also objects on the grounds that such information is trade secret/commercially sensitive under Section 414(8) of the Trademark Trial and Appeal Board Manual of Procedure and therefore Petitioner as a pro se litigant is not entitled to such information pursuant to Section 412.02(b) of the Trademark Trial and Appeal Board Manual

of Procedure. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 22:

All documents relating to your use of the Razer Mark on any Product or any mark including the word EDGE on any product.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 23:

All documents relating to your plans to use, or plans to license others to use, the Razer Mark on tablet computers, computers handheld devices, or any accessories or peripherals thereto.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant. Registrant also objects on the grounds that such information is trade secret/commercially sensitive under Section 414(8) of the Trademark Trial and Appeal Board Manual of Procedure and therefore Petitioner as a pro se litigant is not entitled to such information pursuant to Section 412.02(b) of the Trademark Trial and Appeal Board Manual of Procedure.

DOCUMENT REQUEST NO. 24:

All documents relating to your use of the Razer Mark in connection with any product or service not covered in Request 23.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 25:

All documents relating to your plans to use, or plans to license others to use, the Razer Mark or any mark containing the word EDGE in connection with any products or services that you do not currently offer or sell.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant. Registrant also objects on the grounds that such information is trade secret/commercially sensitive under Section 414(8) of the Trademark Trial and Appeal Board Manual of Procedure and therefore Petitioner as a pro se litigant is not entitled to such information pursuant to Section 412.02(b) of the Trademark Trial and Appeal Board Manual of Procedure.

DOCUMENT REQUEST NO. 26:

Documents sufficient to show your annual expenditures on domestic advertising and marketing of any products or services bearing or relating to the Razer Mark since first use in the United States.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous. Registrant also objects on the grounds that such information is trade secret/commercially sensitive and therefore Petitioner as a pro se litigant is not entitled to such information pursuant to Section 412.02(b) of the Trademark Trial and Appeal Board Manual of Procedure.

DOCUMENT REQUEST NO. 27:

Documents sufficient to show your annual expenditures on domestic advertising and marketing of any products or services bearing or relating to the Razer Mark since first use in the Singapore or any other foreign territory where use by RAZER will be relied on in these proceedings.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant. Registrant also objects on the grounds that such information is trade secret/commercially sensitive and therefore Petitioner as a pro se litigant is not entitled to such information pursuant to Section 412.02(b) of the Trademark Trial and Appeal Board Manual of Procedure.

DOCUMENT REQUEST NO. 28:

Documents sufficient to show the geographic scope of your business and promotional activities using the Razer Mark including all channels of trade used to sell and promote any goods or services using the Razer Mark or any variation thereon that include the word EDGE.

OBJECTIONS: Registrant objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 29:

One copy of each advertising, marketing, and promotional material showing use of the Razer Mark on any goods or services, including but not limited to web pages, catalogs, circulars, leaflets, direct mail pieces, brochures, point of sale pieces, press releases, web-based advertisements (including but not limited to banner ads), newspaper and magazine advertisements and articles, transcripts and audio tapes for radio advertisements, and transcripts and video tapes of television advertisements.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 30:

All documents relating to your policies regarding retention, storage, filing and destruction of electronic mail, documents and things.

OBJECTIONS: Registrant objects to this Request for the reasons set forth in the general objections above.

DOCUMENT REQUEST NO. 31:

All documents relating to the target markets to which you have offered, or intended to offer, products or services identified by the Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant also objects on the grounds that such information for future plans to offer products or services is trade secret/commercially sensitive under Section 414(8) of the Trademark Trial and Appeal Board Manual of Procedure and therefore Petitioner as a pro se litigant is not entitled to such information pursuant to Section 412.02(b) of the Trademark Trial and Appeal Board Manual of Procedure. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 32:

All documents sufficient to identify trade shows or conferences that you have attended in the United States or Singapore since April 17, 2012.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 33:

All documents relating to the channels of trade through which you have sold or offered for sale products or services identified with the Razer Mark, identifying by name (with contact details) all RAZER's customers, resellers, and distributors.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant also objects that the names and contact details of Registrant's customers, resellers, and distributors are not discoverable pursuant to Section 414(3) of the Trademark Trial and Appeal Board Manual of Procedure. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST NO. 34:

All documents relating to any sales of any product or service bearing the Razer Mark or sold in association with the Razer Mark (or any other mark containing the word "EDGE") in United States commerce, producing all evidence of sales broken down by channel of trade and by entity (e.g. store or reseller) within any given channel of trade, with all sales through each channel and entity further broken down on a quarterly basis since such sales of any product or service first commenced in the United States. Including, too, all documents sufficient to show the cost to your customers of all products or services you offer in connection with the Razer Mark and any other documents that permit the calculation of the net profit RAZER has gained from sales of any products or services associated with the Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant also objects that the names and contact details of Registrant's customers, resellers, and distributors are not discoverable pursuant to Section 414(3) of the Trademark Trial and Appeal Board Manual of Procedure. Registrant further objects that information regarding its sales, costs to customers, and net profits is trade secret/commercially sensitive and therefore Petitioner as a pro se litigant is not entitled to such information pursuant to Section 412.02(b) of the Trademark Trial and Appeal Board Manual of Procedure. Registrant further objects that such information is irrelevant in the context of a cancellation proceeding where the only issue is Registrant's right to maintain the registration for its mark and calculation of costs and profits is not germane.

DOCUMENT REQUEST NO. 35:

All documents sufficient to identify the persons involved in design, sales, marketing, communications, business strategy, or business planning for Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

DOCUMENT REQUEST NO. 36:

Documents sufficient to show RAZER's legal status and date founded, including all documents related to the incorporation of RAZER (this must include all details of RAZER's U.S. and Singapore companies together with any other entities that fit the definition of RAZER above).

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding.

DOCUMENT REQUEST NO. 37:

Documents sufficient to show RAZER's legal status and date founded, including all documents related to the incorporation of RAZER both as a Singapore corporation and as a U.S. corporation (Razer Inc. or otherwise).

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding.

DOCUMENT REQUEST NO. 38:

Documents sufficient to show the legal relationship between Razor (Asia-Pacific) Pte Ltd and Razer Inc. or any other U.S. corporation or entity that RAZER either owns or has an affiliation of any kind with.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding.

DOCUMENT REQUEST NO. 39:

Documents sufficient to identify all officers, directors and owners of all predecessors, subsidiaries, parent companies, affiliated companies, and joint venturers (collectively, "Affiliates of RAZER").

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects that pursuant to Section 414 (12) of the Trademark Trial and Appeal Board Manual of Procedure, the most that Petitioner is entitled to is information regarding officers.

DOCUMENT REQUEST NO. 40:

Documents sufficient to show the legal relationship between Razer (Asia-Pacific) Pte Ltd and any Affiliates of RAZER.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding.

DOCUMENT REQUEST NO. 41:

All documents sufficient to identify all advertising agencies or consultants engaged by you for advertising and promoting products or services on or in connection with which the Razer Mark are or have been used.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous. Registrant also objects to this Request to the extent it requests information regarding use of the Razer Mark outside the United States.

DOCUMENT REQUEST NO. 42:

All documents sufficient to identify all advertising agency employees or consultants that have the most knowledge of the advertisement and promotion of products or services offered under Razer Mark.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous. Registrant also objects to this Request to the extent it requests information regarding use of the Razer Mark outside the United States.

DOCUMENT REQUEST NO. 43:

All documents related to e-mail communications directed to, addressed to, or intended for, RAZER or any other party in any way connected with this matter, received by you that relate in any way to the mark EDGE.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous.

DOCUMENT REQUEST NO. 44:

All documents related to communications, other than e-mail, directed to, addressed to, or intended for a party other than RAZER but received by you.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding.

DOCUMENT REQUEST NO. 45:

A copy of each print or online publication in which reference to you has appeared or reference to any product or service by you that involve the mark EDGE in U.S. or Singapore commerce.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding. Registrant further objects pursuant to Section 414(13) of the Trademark Trial and Appeal Board Manual of Procedure that foreign use of the Razer Mark is irrelevant.

DOCUMENT REQUEST NO.46:

A copy of any device, computer tablet, accessory, peripheral bearing the mark EDGE, or sold or marketed in connection with the mark EDGE, sold or marketed by RAZER (or any company in any way related to RAZER) in the United States since April 17, 2012.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome. Registrant also objects to this Request to the extent it requests actual physical samples of any products bearing the EDGE mark.

DOCUMENT REQUEST NO. 47:

All documents related to your knowledge of Petitioner or its EDGE marks, or any dispute that Petitioner was involved in concerning the EDGE marks, or in the time period preceding your filing of an application for the Razer Mark including but not limited to all documents relating to your knowledge of any disputes involving Electronic Arts Inc., Future Publishing Inc., or Mobigame.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding.

DOCUMENT REQUEST NO. 48:

All documents related to your knowledge prior to your first use of the Razer Mark of Velocity Micro Inc., or its products and services, including any knowledge or awareness of the "EDGE" and "GAMER'S EDGE" branded game computers sold by Velocity Micro Inc.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad and burdensome.

DOCUMENT REQUEST NO. 49:

All documents requested to be identified or referred to in Petitioner's First Set of Interrogatories that are not already included in the document requests 1 through 48 above.

OBJECTIONS: Registrant objects to this Request on the grounds that it is overly broad, burdensome, vague, and ambiguous, and requests information that is irrelevant to the cancellation proceeding.

Respectfully submitted,

Razer (Asia-Pacific) Pte Ltd.



Keith A. Barritt, Esq.
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022
phone: (202) 783-5070
fax: (202) 783-2331
Attorneys for Registrant

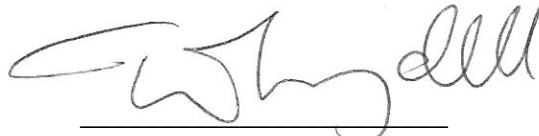
Sept. 12, 2014
Date

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing AMENDED MOTION TO COMPEL DISCOVERY AND MOTION TO TEST SUFFICIENCY OF RESPONSE TO ADMISSION REQUESTS in respect to Cancellation proceeding No. 92058543 was served on Registrant via first class mail, postage prepaid, this day September 24, 2014:

Keith A Barritt
Fish & Richardson PC
PO Box 1022
Minneapolis
MN 55440-1022

A handwritten signature in black ink, appearing to read 'Tim Langdell', written over a horizontal line.

Rev Dr Tim Langdell
For Petitioner in *pro se*

EXHIBIT B

FISH & RICHARDSON P.C.

1425 K Street, N.W.
11th Floor
Washington, DC 20005

Frederick P. Fish
1855-1930

Telephone
202 783-5070

W.K. Richardson
1859-1951

Facsimile
202 783-2331

Web Site
www.fr.com

Via Email and U.S. Certified Mail
uspto@edgegames.com, tim@edgegames.com

August 29, 2014

Tim Langdell
Edge Games, Inc.
530 South Lake Avenue #171
Pasadena, CA 91101



ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

HOUSTON

MUNICH

NEW YORK

SILICON VALLEY

SOUTHERN CALIFORNIA

TWIN CITIES

WASHINGTON, DC

Re: EDGE Trademark Cancellation Action in the U.S.
Our Ref.: 39771-0019PP1

Dear Mr. Langdell:

This is to advise you that we have never received copies of your discovery requests via service by U.S. mail or other means, as required by Rule 2.119 of the U.S. Trademark Office, nor have we consented to service via email.

Accordingly, we do not consider your discovery requests to have been properly served, and our response deadline has not yet begun.

To avoid any future problems regarding service of papers, we suggest that we agree to service via U.S. certified mail. Please let me know if you agree.

Sincerely,


Keith A. Barritt

EXHIBIT C

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

March 24, 2014

Via Email
tim@edgegames.com

Tim Langdell
Edge Games Inc.
530 South Lake Avenue, 171
Pasadena, CA 91101

1425 K Street, N.W.
11th Floor
Washington, DC 20005

Telephone
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WASHINGTON, DC

Re: EDGE Trademark Cancellation No. 92058543
Discovery Conference
Our Ref.: 29631-0019PP1

Dear Mr. Langdell:

The purpose of this letter is to help us fulfill our discovery conference obligations in the EDGE trademark cancellation under 37 CFR Section 2.120(a)(2) applicable to proceedings before the Trademark Trial and Appeal Board.

1. Nature and Basis of Claims and Defenses

Razer believes that the nature and basis of its defenses are clear from its answer to the petition to cancel. Razer does not wish to seek mediation or arbitration nor utilize the Board's Accelerated Case Resolution process at this time.

2. Possibility of Settlement/Narrowing of Claims and Defenses

Razer is open to settling this matter along the lines of the proposal in my email to you of February 18, 2014.

3. Disclosures, Discovery, and Introduction of Evidence



a) Initial Disclosures: We propose that we dispense with the initial disclosure requirements.

b) Electronic Documents: We propose that documents stored in electronic format be produced either as printed pages, in electronic format in a readily available commercial standard, or via an ftp website.

Page 2

c) Privilege Logs: We propose that the parties dispense with the production of privilege logs.

d) Introduction of Evidence: We do not have any proposals regarding the introduction of evidence beyond the procedures established by the Trademark Trial and Appeal Board, with the exception that we propose the parties stipulate pursuant to 37 CFR 2.123(b) that testimony may be entered by affidavit or written declaration under 37 CFR 2.20.

e) Protective Order: We do not have any proposed changes to the Board's standard protective order.

I look forward to hearing from you.

Sincerely,


Keith A. Barritt

EXHIBIT D



Mr Keith A. Barritt, Esq
Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005

March 28, 2014

Via Facsimile & Email

**Re: EDGE Trademark Cancellation Action in the U.S.
Your Ref.: 29631-0019PP1
Discovery Conference**

Dear Mr Barritt:

We also write regarding fulfillment of our discovery conference obligations under 37 CFR Section 2.120(a)(2).

→ We wish a telephone conference with you, since we do not believe that written exchanges will adequately and acceptably fulfill the requirements for this conference stage.

1. Nature and Basis of Defenses.

We do not accept that your answer to the petition makes clear what the basis for defense is. Indeed, Razer would appear to have no acceptable or adequate defense, and if your client has one then we would very much like to be made aware of it so that we may consider what it considers this "defense" to be.

2. Possibility of Settlement/Narrowing of Claims and Defenses

We have made our offer for settlement which your client has rejected despite it being a very fair and reasonable offer. At the least the parties should consider at this stage the possibility of narrowing the claims and defenses. For instance, your client would appear to have no defense whatsoever against our claim that we have (via our licensee Velocity) used the exact mark for the effectively exact same goods and services for well over a decade prior to your client's first use. We suggest at least that the parties agree that your client has no defense to this key claim.

→ **3. Disclosures etc.**

a) We see no reasonable argument as to why we should dispense with initial disclosure requirements, not least since we cannot see that your client has any defense against our

EDGE Games, Inc.,
530 South Lake Avenue, 171, Pasadena, California, 91101
T: 626 449 4EDGE F: 626 844 4EDGE W. www.edgegames.com E. corp@edgegames.com

key claims. Having initial disclosure might assist us in understanding why your client is fighting our claim or may perhaps clarify to your client that it has indeed no defense.

b) Agreed


c) Why do you ask this? We will make our decision following your clarification.

d) We too have no other proposals at this stage but reserve the right to make such at a later time.

e) Agreed.

We look forward to hearing from you,

Kind regards,



Dr Tim Langdell
CEO.

EXHIBIT E

FISH & RICHARDSON P.C.

1425 K Street, N.W.
11th Floor
Washington, DC 20005

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

Telephone
202 783-5070

Facsimile
202 783-2331

Web Site
www.fr.com

April 3, 2014

Via Email
tim@edgegames.com

Tim Langdell
Edge Games Inc.
530 South Lake Avenue, 171
Pasadena, CA 91101



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MUNICH

NEW YORK

SILICON VALLEY

SOUTHERN CALIFORNIA

TWIN CITIES

WASHINGTON, DC

Re: EDGE Trademark Cancellation No. 92058543
Discovery Conference
Our Ref.: 29631-0019PP1

Dear Mr. Langdell:

In response to your letter of March 28, 2014, Razer will agree to the production of privilege logs in the normal course of discovery.

As for the remaining matters, we believe the evidence will show that Edge Games does not have any rights as a trademark licensor under U.S. trademark law, and that further discussion of this issue at this time would not be productive.

Sincerely,


Keith A. Barritt

EXHIBIT F

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EDGE GAMES, INC., Petitioner	}	Cancellation No 92058543
	}	
v.	}	Registration No. 4394393
	}	Mark "EDGE"
RAZER (ASIA-PACIFIC) PTE LTD Registrant.	}	
	}	

EDGE GAME'S, INC'S INITIAL DISCLOSURES

Here are Petitioner Edge Games Inc.'s initial disclosures;

1. Persons Likely to Have Discoverable Information

- Petitioner Edge Games Inc and its CEO Rev Dr Tim Langdell
- Registrant Razer (Asia-Pacific) Pte Ltd and its Corporate Officers and those employees, advisors and agents involved in sales, marketing, and the in any way in the decision to use the mark EDGE in US commerce.
- The US subsidiary of Razer Pacific and its Corporate Officers and those employees, advisors and agents involved in sales, marketing, and in any way involved in the decision to use the mark EDGE in US commerce.

2. Documents by Category

- Documents regarding Petitioner's prior rights in the mark EDGE, and regarding Petitioner's and Petitioner's licensee's use of the mark in US commerce pertaining to such rights in its EDGE mark over Registrant's rights (if any).
- Documents regarding Registrant's lack of rights in the mark EDGE.

Respectfully submitted,

Date: May 15, 2014

EDGE GAMES, INC

By: 

Rev Dr Tim Langdell for Petitioner in Pro Se

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing PETITIONER'S INITIAL DISCLOSURES in respect to Cancellation proceeding No. 92058543 was served on Registrant via first class mail, postage prepaid, this day May 15, 2014:

Keith A Barritt
Fish & Richardson PC
PO Box 1022
Minneapolis
MN 55440-1022

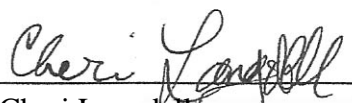

Cheri Langdell

EXHIBIT G



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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Cancellation

Number: 92049162

Filing Date: 04/09/2008

Status: Terminated

Status Date: 12/18/2008

General Contact Number: 571-272-8500

Interlocutory Attorney: [GEORGE POLOGEORGIS](#)

Defendant

Name: [EDGE Games, Inc.](#)

Correspondence: [The EDGE Interactive Media Inc](#)

ATT: Dr. Tim Langdell
530 South Lake Avenue, Suite 171
Pasadena, CA 91101
UNITED STATES
edgegames@gmail.com

Serial #: [78807446](#) [Application File](#)

Registration #: [3381826](#)

Application Status: Cancelled by Court Order (Section 37)

Mark: GAMER'S EDGE

Plaintiff

Name: [Velocity Micro, Inc.](#)

Correspondence: [Robert L. Brooke](#)

Troutman Sanders LLP
Post Office Box 1122
Richmond, VA 23218
UNITED STATES
trademarks@troutmansanders.com

Prosecution History

#	Date	History Text	Due Date
14	12/18/2008	TERMINATED	
13	12/18/2008	BOARD'S DECISION: DISMISSED W/ PREJUDICE	
12	12/16/2008	WITHDRAWAL OF PETITION FOR CANCELLATION	
11	12/16/2008	FINAL ORDER	
10	10/07/2008	SUSPENDED PENDING DISP OF CIVIL ACTION	
9	08/18/2008	PLAINTIFF'S MOTION	
8	08/04/2008	P REQUEST FOR DISCOVERY CONFERENCE-PHONE	
7	05/17/2008	ANSWER	
6	06/09/2008	TRIAL DATES RESET	
5	05/29/2008	P'S MOTION TO JOIN/SUBSTITUTE PARTY	
4	05/16/2008	D'S MOTION TO JOIN/SUBSTITUTE PARTY	
3	04/09/2008	PENDING, INSTITUTED	
2	04/09/2008	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	05/19/2008
1	04/09/2008	FILED AND FEE	

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Opposition

Number: 91186738

Status: Terminated

Filing Date: 10/01/2008

Status Date: 12/04/2008

General Contact Number: 571-272-8500

Interlocutory Attorney: [ANDREW P. BAXLEY](#)

Defendant

Name: [EDGE Games, Inc.](#)

Correspondence: [Tim Langdell](#)

The EDGE Interactive Media, Inc.
Suite 171 530 South Lake Avenue
Pasadena, CA 91101
UNITED STATES

Serial #: [75077113](#) [Application File](#)

Registration #: [3559342](#)

Application Status: Cancelled by Court Order (Section 37)

Mark: THE EDGE

Plaintiff

Name: [Velocity Micro, Inc.](#)

Correspondence: [Robert L. Brooke, Stephen C. Piepgrass](#)

Troutman Sanders LLP
1001 Haxall Point, tP.O. Box 1122
Richmond, VA 23219
UNITED STATES
trademarks@troutmansanders.com,
stephen.piepgrass@troutmansanders.com,
rob.brooke@troutmansanders.com

Prosecution History

#	Date	History Text	Due Date
7	12/04/2008	TERMINATED	
6	12/04/2008	BD'S DECISION: DISMISSED W/ PREJUDICE	
5	12/02/2008	WITHDRAWAL OF OPPOSITION	
4	11/10/2008	ANSWER	
3	10/01/2008	PENDING, INSTITUTED	
2	10/01/2008	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	11/10/2008
1	10/01/2008	FILED AND FEE	

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Extension of Time

Number: 75077113

Status: Terminated

Filing Date: 06/16/2008

Status Date: 09/08/2009

General Contact Number: 571-272-8500

Opposition #: [91186738](#)

Defendant

Name: [THE EDGE INTERACTIVE MEDIA, INC.](#)

Correspondence: [Tim Langdell](#)

The EDGE Interactive Media, Inc.
Suite 171 530 South Lake Avenue
Pasadena, CA 91101
UNITED STATES

Serial #: [75077113](#) [Application File](#)

Registration #: [3559342](#)

Application Status: Cancelled by Court Order (Section 37)

Mark: THE EDGE

Potential Opposer

Name: [Velocity Micro, Inc.](#)

Correspondence: [Robert L. Brooke](#)

Troutman Sanders LLP
600 Peachtree Street, N.E., Suite 5200 Bank of America Plaza
Atlanta, GA 30308-2216
UNITED STATES
trademarks@troutmansanders.com

Opposition #: [91186738](#)

Granted To Date: 10/01/2008

Potential Opposer

Name: [David Evans](#)

Correspondence: [Dennis S. Prah](#)

Ladas & Parry LLP
26 West 61st Street
New York, NY 10023
UNITED STATES
nyustmp@ladas.com

Granted To Date: 08/02/2008

Prosecution History

#	Date	History Text
7	09/08/2009	TERMINATED
6	07/18/2008	EXTENSION OF TIME GRANTED
5	07/18/2008	INCOMING - EXT TIME TO OPPOSE FILED
4	07/02/2008	EXTENSION OF TIME GRANTED
3	07/02/2008	INCOMING - EXT TIME TO OPPOSE FILED

[2](#) 06/16/2008

[EXTENSION OF TIME GRANTED](#)

[1](#) 06/16/2008

[INCOMING - EXT TIME TO OPPOSE FILED](#)

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Cancellation

Number: 92021685**Status:** Terminated**Filing Date:** 03/22/1993**Status Date:** 05/09/1994**General Contact Number:** 571-272-8500**Interlocutory Attorney:** [TERRY E HOLTZMAN](#)

Defendant

Name: [SOFTDRINK, INC.](#)**Correspondence:** [THOMAS E. NUTTER](#)
KALISH & GILSTER
SUITE 1200 500 N. BROADWAY
ST. LOUIS, MO 63102
UNITED STATES**Serial #:** [74182775](#) [Application File](#)**Registration #:** [1706956](#)**Application Status:** Cancelled - Section 18**Mark:** GAMER'S EDGE

Plaintiff

Name: [THE EDGE INTERACTIVE MEDIA, INC.](#)**Correspondence:** [DR. TIM LANGDELL, PRES. CEO](#)
THE EDGE INTERACTIVE MEDIA, INC.
225 SOUTH LAKE AVENUE SUITE M157
PASADENA, CA 91101
UNITED STATES**Serial #:** [74257322](#) [Application File](#)**Registration #:** [1853705](#)**Application Status:** Cancelled - Section 8**Mark:** EDGE

Prosecution History

#	Date	History Text
8	05/09/1994	TERMINATED
7	05/09/1994	COMMR'S ORDER CANCELLING REGISTRATION
6	03/31/1994	BOARD'S DECISION: GRANTED
5	01/26/1994	TRIAL DATES SET
4	08/16/1993	ANSWER
3	07/07/1993	PENDING, INSTITUTED
2	07/07/1993	NOTICE SENT; ANSWER DUE: 08/16/93
1	03/22/1993	FILED AND FEE

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Opposition**Number:** 91189164**Filing Date:** 02/25/2009**Status:** Terminated**Status Date:** 03/24/2010**General Contact Number:** 571-272-8500**Interlocutory Attorney:** [YONG OH \(RICHARD\) KIM](#)**Defendant****Name:** [Kabushiki Kaisha Sony Computer Entertainment \(a/t/a Sony Computer Entertainment Inc.\)](#)**Correspondence:** [GEORGE W. LEWIS](#)
JACOBSON HOLMAN PLLC
400 7TH ST NW STE 600
WASHINGTON, DC 20004-2218
UNITED STATES
trademark@jhip.com, glewis@jhip.com, tcaudell@jhip.com**Serial #:** [77126808](#) [Application File](#)**Registration #:** [4402051](#)**Application Status:** Registered**Mark:** PLAYSTATION EDGE**Plaintiff****Name:** [Edge Games Inc](#)**Correspondence:** [Tim Langdell](#)
Edge Games Inc
530 South Lake Avenue, Suite 171
Pasadena, CA 91101
UNITED STATES
tim@edgegames.com**Granted To Date:** 02/18/2009**Prosecution History**

#	Date	History Text	Due Date
11	03/24/2010	TERMINATED	
10	03/24/2010	BD'S DECISION: DISMISSED W/ PREJUDICE	
9	03/03/2010	DEF'S MOT TO AMEND APPLICATION WITH CONSENT	
8	01/15/2010	AMENDMENT DENIED; SUSPENDED	
7	01/11/2010	DEF'S MOT TO AMEND APPLICATION WITH CONSENT	
6	10/30/2009	EXTENSION OF TIME GRANTED	
5	10/30/2009	STIPULATION FOR AN EXTENSION OF TIME	
4	04/14/2009	ANSWER	
3	03/06/2009	PENDING, INSTITUTED	
2	03/06/2009	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	04/15/2009
1	02/25/2009	FILED AND FEE	

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

RK

Mailed: March 24, 2010

Opposition No. **91189164**

Edge Games Inc.

v.

Kabushiki Kaisha Sony
Computer Entertainment
(a/t/a Sony Computer
Entertainment Inc.)

On March 3, 2010, applicant filed a second proposed amendment to its application Serial No. 77126808, with opposer's consent, and opposer's withdrawal of the opposition with prejudice, with applicant's consent, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods in International Class 9 as follows:

From: "Player-operated electronic controllers for electronic video game machines, joysticks, memory cards, volume controllers and mouse for video game machines; arcade video game machines adapted for use with television receivers only; audio recording featuring music; audio optical disc players; audio optical recorders; authentication machines for use in information data processing, namely, devices for authentication of impermissible items being carried through; batteries and cells; cpu based data processing unit; cpu based image processing unit; cinematographic

machines, namely, movie projectors; photographic slide transparencies for overhead projectors; movie film developing or finishing machines for movie films; computer graphics software; computer interface boards; computer programs for digital image processing; computer programs for encoding and decoding data; computer programs for editing images, sound and video; computer programs for image data or sounds data processing; computer programs for facilitating access to and communication with and between network servers, host computers and client devices; computer programs used for remote application interfaces and user interfaces; computer software to create a distributed computing platform for use in research in the field of protein formation, protein design, and molecular modeling; graphical user interface software; customizable browser software and downloadable software for navigating a global computer network; computer software for processing, transmission and grouping text data, sound data and image data; computer hardware; consumer video game machines adapted for use with an external display screen or monitors; digital still cameras; digital video cameras; digital video disc players; downloadable computer programs for image processing provided through a computer network; downloadable video game programs provided through a computer network; electric buzzers; electric flat irons; electric hair-curlers; electric wires and cables; electronic circuits recording programs for amusement apparatus for use with liquid crystal screens; downloadable electronic publications featuring books, newsletters and manuals in the field of video games, music and cinema videos; exposed cinematographic films; exposed slide films; pre-recorded sample image data and sample sound data for producing computer graphics; graphical user interface hardware; game programs for hand-held games with liquid crystal displays; integrated circuits for digital image processing; interface cards for image processing; metronomes; modems; mouse for computer; mouse pads for computer; navigation equipment, namely, electronic and computer instruments for determining precise geographic location of vehicles; compact disc players; tape recorders; video-cameras; video disc players; video tape recorders; loudspeakers; optical audio disc players; personal stereos; photographic machines, namely, digital still cameras equipped with cpu based image processing unit; still cameras; pre-recorded magnetic disc, optical disc, magnetic-optical disc, cd-

roms, and dvd-roms, featuring motion pictures and fine arts; pre-recorded audio optical discs, and magneto-optical discs featuring music; video recordings featuring musicals, sports, cinema movies; pre-recorded video optical discs and magneto-optical discs featuring musicals, sports, cinemas movies; radios; slide film mounts; software for arcade video game machine; straps for mobile phone; television sets; vending machines; video game software"

To: "authentication machines for use in information data processing, namely, devices for authentication of impermissible items being carried through; batteries and cells; cinematographic machines, namely, movie projectors; photographic slide transparencies for overhead projectors; movie film developing or finishing machines for movie films; computer graphics software; computer programs for digital image processing; computer programs for encoding and decoding data; computer programs for editing images, sound and video; computer programs for image data or sounds data processing; computer programs for facilitating access to and communication with and between network servers, host computers and client devices; computer programs used for remote application interfaces and user interfaces; computer software to create a distributed computing platform for use in research in the field of protein formation, protein design, and molecular modeling; graphical user interface software; customizable browser software and downloadable software for navigating a global computer network; computer software for processing, transmission and grouping text data, sound data and image data; digital still cameras; digital video cameras; digital video disc players; downloadable computer programs for image processing provided through a computer network; electric buzzers; electric flat irons; electric hair-curlers; electric wires and cables; exposed cinematographic films; exposed slide films; pre-recorded sample image data and sample sound data for producing computer graphics; graphical user interface hardware; metronomes; navigation equipment, namely, electronic and computer instruments for determining precise geographic location of vehicles; compact disc players; tape recorders; video-cameras; video disc players; video tape recorders; loudspeakers; optical audio disc players; personal stereos; photographic machines, namely, digital still cameras equipped with cpu based image processing unit; still cameras; pre-recorded magnetic

discs and optical discs featuring motion pictures and fine arts; radios; slide film mounts; straps for mobile phone; television sets; vending machines."

Inasmuch as the amendments are clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, they are approved and entered. See Trademark Rule 2.133(a). The contingency in opposer's withdrawal having now been met, the opposition is **DISMISSED WITH PREJUDICE**.

***By the Trademark Trial
and Appeal Board***



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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Cancellation

Number: 92021684

Status: Terminated

Filing Date: 03/22/1993

Status Date: 12/02/1993

General Contact Number: 571-272-8500

Interlocutory Attorney: [TERRY E HOLTZMAN](#)

Defendant

Name: [NEW WORLD COMPUTING, INC.](#)

Correspondence: [PAUL D. SUPNIK](#)

SUITE 1200
433 NORTH CAMDEN DRIVE
BEVERLY HILLS, CA 90210
UNITED STATES

Serial #: [74132054](#) [Application File](#)

Registration #: [1698443](#)

Application Status: Cancelled - Section 18

Mark: PLANET'S EDGE

Plaintiff

Name: [THE EDGE INTERACTIVE MEDIA, INC.](#)

Correspondence: [THE EDGE INTERACTIVE MEDIA, INC.](#)

ATT: DR. TIM LANGDELL, PRES./CEO
SUITE M157 225 SOUTH LAKE AVENUE
PASADENA, CA 91101
UNITED STATES

Serial #: [74257322](#) [Application File](#)

Registration #: [1853705](#)

Application Status: Cancelled - Section 8

Mark: EDGE

Prosecution History

#	Date	History Text	Due Date
9	12/02/1993	TERMINATED	
8	10/29/1993	BOARD'S DECISION: GRANTED	
7	10/07/1993	VOLUNTARY SURRENDER OF REGISTRATION	
6	09/10/1993	TRIAL DATES SET	
5	07/22/1993	ANSWER	
4	06/24/1993	D'S MOTION FOR AN EXTENSION OF TIME	
3	06/01/1993	PENDING, INSTITUTED	
2	06/01/1993	NOTICE SENT; ANSWER DUE (DUE DATE)	07/12/1993
1	03/22/1993	FILED AND FEE	

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Extension of Time

Number: 79067304**Filing Date:** 07/29/2013**Status:** Terminated**Status Date:** 10/05/2013**General Contact Number:** 571-272-8500**Opposition #:** [91212834](#)**Defendant****Name:** [MOBIGAME](#)**Correspondence:**MOBIGAME
85 BOULEVARD PASTEUR
F-75015 PARIS,
FRANCE**Serial #:** [79067304](#)[Application File](#)**Application Status:** Abandoned - After Inter-Partes Decision**Mark:** EDGE**Potential Opposer****Name:** [Future Publishing Limited](#)**Correspondence:** [NINA HABIB BORDERS](#)REED SMITH LLP
10 SOUTH WACKER DRIVE
CHICAGO, HI 60606-7507
UNITED STATES
ipdocket@reedsmith.com, karmellino@reedsmith.com,
nborders@reedsmith.com**Granted To Date:** 10/02/2013**Potential Opposer****Name:** [Edge Games, Inc.](#)**Correspondence:** [TIM LANGDELL](#)EDGE GAMES INC
530 SOUTH LAKE AVENUE 171
PASADENA, CA 91101
UNITED STATES
uspto@edgegames.com, tim@edgegames.com**Opposition #:** [91212834](#)**Granted To Date:** 10/02/2013**Prosecution History**

#	Date	History Text
6	08/01/2013	EXT GRANTED
5	07/29/2013	INCOMING - EXT TIME TO OPPOSE FILED
4	07/10/2013	EXT GRANTED
3	06/19/2013	INCOMING - EXT TIME TO OPPOSE FILED

[2](#) 07/04/2013

[EXT GRANTED](#)

[1](#) 06/28/2013

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Extension of Time

Number: 77352656**Status:** Terminated**Filing Date:** 10/09/2008**Status Date:** 01/30/2009**General Contact Number:** 571-272-8500**Opposition #:****Defendant****Name:** [Coates, John](#)**Correspondence:** [DANIEL M CISLO](#)CISLO & THOMAS LLP
233 WILSHIRE BLVD STE 900
SANTA MONICA, CA 90401-1211
UNITED STATES**Serial #:** [77352656](#) [Application File](#)**Registration #:** [3585463](#)**Application Status:** Cancelled - Section 7(D)**Mark:** EDGEGAMERS**Potential Opposer****Name:** [Edge Games Inc](#)**Correspondence:** [Tim Langdell](#)Edge Games Inc
530 South Lake Avenue Suite 171
Pasadena, CA 91101
UNITED STATES
edgegames@gmail.com**Granted To Date:** 01/14/2009**Prosecution History**

#	Date	History Text
4	10/30/2008	EXTENSION OF TIME GRANTED
3	10/30/2008	INCOMING - EXT TIME TO OPPOSE FILED
2	10/09/2008	EXTENSION OF TIME GRANTED
1	10/09/2008	INCOMING - EXT TIME TO OPPOSE FILED

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Opposition

Number: 91093842

Filing Date: 02/10/1994

Status: Terminated

Status Date: 12/30/1994

General Contact Number: 571-272-8500

Defendant

Name: [THE EDGE INTERACTIVE MEDIA, INC.](#)

Correspondence: [JEFFREY G. SHELDON](#)

SHELDON & MAK
225 SOUTH LAKE AVENUE SUITE M157
PASADENA, CA 91101
UNITED STATES

Serial #: [74257322](#) [Application File](#)

Registration #: [1853705](#)

Application Status: Cancelled - Section 8

Mark: EDGE

Plaintiff

Name: [ACCLAIM ENTERTAINMENT, INC.](#)

Correspondence: [MARY L. GRIECO](#)

FISCHBACH, PERLSTEIN & YANNY
1925 CENTURY PARK EAST SUITE 1260
LOS ANGELES, CA 90067
UNITED STATES

Prosecution History

#	Date	History Text	Due Date
7	12/30/1994	TERMINATED	
6	08/02/1994	TERMINATED	
5	05/26/1994	BD'S DECISION: DISMISSED W/O PREJUDICE	
4	05/09/1994	PL'S WITHDRAWAL OF NOT OF OPP	
3	04/18/1994	PENDING, INSTITUTED	
2	04/18/1994	NOTICE SENT; ANSWER DUE (DUE DATE)	05/30/1994
1	02/10/1994	FILED AND FEE	

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Opposition

Number: 91091969

Filing Date: 01/19/1993

Status: Terminated

Status Date: 09/09/1994

General Contact Number: 571-272-8500

Interlocutory Attorney: [PAULA T. HAIRSTON](#)

Defendant

Name: [THE EDGE INTERACTIVE MEDIA, INC.](#)

Correspondence: [THE EDGE INTERACTIVE MEDIA, INC.](#)

ATT: DR. TIM LANGDELL, PRESIDENT
SUITE 7 39 EAST WALNUT STREET
PASADENA, CA 91103
UNITED STATES

Serial #: [74258711](#) [Application File](#)

Registration #: [1883671](#)

Application Status: Cancelled - Section 8

Mark: MASTERS OF THE GAME

Plaintiff

Name: [ACCLAIM ENTERTAINMENT, INC.](#)

Correspondence: [JOSEPH A. YANNY](#)

FISCHBACH, PERLSTEIN & YANNY
1925 CENTURY PARK EAST #1260
LOS ANGELES, CA 90067
UNITED STATES

Serial #: [74274483](#) [Application File](#)

Registration #: [1922182](#)

Application Status: Cancelled - Section 8

Mark: MASTERS OF THE GAME

Prosecution History

#	Date	History Text
19	09/09/1994	TERMINATED
18	08/16/1994	BOARD'S DECISION: DISMISSED AS MOOT
17	05/09/1994	PL'S WITHDRAWAL OF NOT OF OPP
16	03/28/1994	PL'S OPP TO DEF'S MOT FOR EXT W/DECLARAT ION AND EXHIBTS
15	03/11/1994	PL`S NOTICE OF MOT TO COMPEL
14	03/11/1994	PL`S REPLY TO DF`S OPPS TO PL`S MOT TO EXT TIME W/DECLARATION
13	03/11/1994	PL`S REPLY TO DF`S OPPS TO ENTRY PROTET- IVE ORDER W/EXT
12	03/04/1994	DF'S MOT TO EXTENSION OF TIME
11	02/28/1994	DEF'S OBJECTION TO PL'S MOT TO EXT TIME
10	02/28/1994	DEF'S OBJECTION TO MOT FOR P.O.
9	02/23/1994	PL'S MOT. FOR PROTECTIVE ORDER
8	02/22/1994	DEF'S COMMUNICATION LETTER
7	02/14/1994	PL'S MOT FOR P.O.

6 02/14/1994 PL'S MOT TO EXT TIME W/MEMO AND DELC IN SUPPORT
5 12/01/1993 TRIAL DATES SET
4 09/30/1993 ANSWER
3 08/19/1993 PENDING, INSTITUTED
2 08/19/1993 NOTICE SENT; ANSWER DUE 09-28-93
1 01/19/1993 FILED AND FEE

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.6

Opposition

Number: 91101566

Filing Date: 04/10/1996

Status: Terminated

Status Date: 05/23/1997

General Contact Number: 571-272-8500

Defendant

Name: [YAMAHA CORPORATION](#)

Correspondence: [ROBERT C. FABER](#)

OSTROLENK, FABER, GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403
UNITED STATES

Serial #: [74608168](#)

[Application File](#)

Application Status: Abandoned - After Inter-Partes Decision

Mark: SOUND EDGE

Plaintiff

Name: [THE EDGE INTERACTIVE MEDIA, INC.](#)

Correspondence: [DR. TIM LANGDELL](#)

THE EDGE INTERACTIVE MEDIA, INC.
906 GRANITE DRIVE
PASADENA, CA 91101
UNITED STATES

Serial #: [74257322](#)

[Application File](#)

Registration #: [1853705](#)

Application Status: Cancelled - Section 8

Mark: EDGE

Prosecution History

#	Date	History Text	Due Date
7	05/23/1997	TERMINATED	
6	05/23/1997	BOARD'S DECISION: SUSTAINED	
5	02/07/1997	NOTICE OF DEFAULT	
4	06/24/1996	PENDING, INSTITUTED	
3	06/06/1996	DECLARATION RE MAILING OF NOTICE OF OPP.	
2	06/24/1996	NOTICE SENT; ANSWER DUE (DUE DATE)	08/03/1996
1	04/10/1996	FILED AND FEE	

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing PETITIONER'S REPLY BRIEF TO REGISTRANTS REQUEST FOR SANCTIONS in respect to Cancellation proceeding No. 92058543 was served on Registrant via first class mail, postage prepaid, this day September 9, 2014:

Keith A Barritt
Fish & Richardson PC
PO Box 1022
Minneapolis
MN 55440-1022

A handwritten signature in black ink, appearing to read 'Tim Langedell', written over a horizontal line.

Rev Dr Tim Langedell
For Petitioner in Pro Per